

# SPEECH

OF

## MR. SMITH, OF CONN.,

ON

THE BILL "TO ADMIT CALIFORNIA INTO THE UNION—TO ESTABLISH TERRITORIAL GOVERNMENTS FOR UTAH AND NEW MEXICO, MAKING PROPOSALS TO TEXAS FOR THE ESTABLISHMENT OF THE WESTERN AND NORTHERN BOUNDARIES;"

SHOWING

The responsibilities of the late Administration on account of the acquisitions which were the result of our recent war with Mexico—the entire harmony of the elements on which the prosperity of the different sections of the Union depend—the impracticability of maintaining an equilibrium between the free States and slave States, and how useless such equilibrium, if attainable, would be to the latter—the inconsiderable importance of the various slavery questions which, during the last few years, have made so much disturbance in and out of Congress—the legal, social, and physical obstacles to the introduction of slavery into our newly acquired territories, and the certainty that such territories will ultimately be admitted into the Union as free States, whether "the proviso" be or be not adopted, and setting forth the objections to the scheme of compromise and adjustment proposed by the aforesaid bill, and urging considerations to evince the superiority of the method of treating these subjects recommended by President TAYLOR.

DELIVERED IN THE SENATE OF THE UNITED STATES,  
JULY 8, 1850.

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# ADDRESS BY MRS. SMITH



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## SPEECH.

The order of the day (the bill to admit California into the Union) being called—  
Mr. SMITH rose and said :

Mr. PRESIDENT : I do not know that I can obtain the ear of the Senate, at this advanced period of the discussion, for such remarks as I propose to submit on the present occasion. I shall feel, however, highly gratified if honorable members will accord their attention to some suggestions which have not hitherto been submitted to the body, and which, in my judgment, have an important bearing on the questions in controversy.

It is well known that the subjects comprised in this bill, and other kindred topics, have been under consideration for nearly six long months, and have undergone an examination which, in point of minuteness and extent, is unexampled in the history of Congress. They were produced originally in the form of certain declaratory resolutions, submitted early in the session by the honorable Senator from Kentucky, (Mr. CLAY,) and have since been reproduced by the Select Committee of Thirteen in and by the provisions of the pending bill. I have remained during this protracted debate hitherto entirely silent, unless a few remarks which I submitted the other day, in opposition to the introduction of unnecessary and irrelevant topics, may be deemed an exception. Under such circumstances, I trust I shall be indulged in occupying a brief portion of the time of the Senate, to present, as I intend to do, views differing essentially from those which have been urged on the body by most of my friends from the free States.

I became, Mr. President, as you will recollect, a member of the House of Representatives in the fall of the year 1839, and remained such, with the exception of an interval of two years, until I took my seat in this chamber in March, 1849. I have no recollection that, during the considerable period of my being a member of the House, I addressed myself to that body on any question arising out of the ever-recurring and troublesome subject of slavery. I contented myself with responding, in conformity with Scripture injunction, "yea, yea," or "nay, nay," to a vast variety of propositions in this connexion, being of the opinion that, in relation to all matters of unnecessary agitation, "whatsoever is more than these cometh of evil." This course has exposed me to much misconstruction and misrepresentation, particularly at the South, where I have been held up as entertaining views hostile and offensive to that section. But an examination of the record will evince that I have done no more than reflect, in a reasonable and a moderate degree, the predominating sentiments of my constituents and section of the Union. I have not been an agitator on the subject of slavery, nor do I intend to be, though I am free to confess that I cannot regard the institution with complacency.

If, then, there has been, during the last ten years, much disturbance in Congress on this subject, I am not responsible. If the harmony of our public councils has been interrupted, and if the public business has been from time to time obstructed and delayed, the fault is none of mine. If the affections of the people of different sections of the Union have been estranged from each other, and if the public mind has been, and is, more or less irritated, the blame must rest elsewhere than with me.

My course, then, having been heretofore, as it will be hereafter, on this and other kindred subjects, that of moderation and reason, I am prepared to approach the examination of the questions before us in a proper spirit, and hope to give them a just and an equitable consideration.

It is not to be doubted but that Congress and the country are involved in considerable difficulties and embarrassments, by reason of the acquisitions which were the result of our recent war with Mexico. The dangers arising from this cause have, in my judgment, been greatly exaggerated. Many honorable members have expressed an apprehension that we might be involved in some serious convulsion, and some have even looked to the possibility of a dissolution of the Union. I have myself felt very little alarm on this subject. There is in the country a strong and all-pervading attachment to the Union, which cannot be weakened, much less destroyed, but by serious grievances, deeply affecting great and essential interests—grievances so enormous that men will fly to any extreme rather than submit to them.

But, nevertheless, there are very considerable evils now present with us. Much irritation exists in the public mind, and a spirit of sectional alienation has spread more or less over the country. It is desirable to apply to the case the best remedy in our power, to the end that harmony may be restored to our national councils, and peace and good will to the entire Republic.

The difficulties that attend an adjustment of this controversy are great. So it ever is with sectional questions; but now they are aggravated, as we have had a heated contest: passions and prejudices are aroused, and misconception distorts the public mind in all quarters of the Union.

Hence we may well feel a sincere distrust as to the soundness of any opinions we may express. In indicating what course, in my judgment, should be pursued, I shall do so with a proper deference for the views of others.

But it seems to me there stands out, in front of the whole subject, a question of responsibility to which some attention should be paid. How is it that the country has been placed in this situation? Why has so much disorder been intruded into our public councils? Why has one section of the



Union been arrayed against another? And why are so many apprehensions expressed that serious calamities are lowering over us?

It is believed that all these difficulties are the legitimate fruits of the policy of the late Administration. By many of our leading public men they were anticipated and predicted. I cannot develop that policy in full. I do not propose to consider the remote causes of these embarrassments—the annexation of Texas, and the measures which led to the recent war with Mexico. But I have something to say about the course of the late Executive, in converting that which should have been, on his own principles, a defensive war, into a war of invasion, acquisition, and conquest; and more, on his successful demand from Mexico of a vast expanse of territory, over and above the satisfaction of any just claim, in our favor, against that Republic.

The late President, in his annual message to the 30th Congress, (1st session,) took the ground that the only indemnity which it was in the power of Mexico to make, in satisfaction of our claims, was “a cession to the United States of a portion of her territory.” “Mexico,” he said, “has no money to pay, and no other means to make the required indemnity. If we refuse this, we can obtain nothing else. To reject indemnity, by refusing to accept a cession of territory, would be to abandon all our just demands, and to wage the war, bearing all its expenses, without a purpose or definite object.” And then, again, he added: “The doctrine of no territory is the doctrine of no indemnity, and, if sanctioned, would be a public acknowledgment that our country was wrong, and that the war declared by Congress, with extraordinary unanimity, was unjust and should be abandoned—an admission unfounded in fact, and derogatory to the national character.”

I have nothing to say at present on the correctness of the assertion that indemnity could not be obtained in any other form than by cession of territory, nor on the wisdom (even if the fact be so) of taking territory with the certainty of its becoming the source of serious dissensions among ourselves; but it is proper to ask why the late President did not restrict himself to the principle of indemnity, and to consider what consequences have followed a departure from that principle.

What, then, were our claims against Mexico? and what amount or extent of territory was required to satisfy them? These consisted of—

1. Certain claims which had been liquidated and ascertained by a joint commission and umpire, under and by virtue of a convention between the two Governments, on which was due \$2,098,024 77, (a part having been paid;) and

2. Unliquidated claims, which the joint commission and umpire could not adjust within the time prescribed by the convention, and which, by the treaty of Guadalupe Hidalgo, are estimated at \$3,250,000—making, in all, the sum of \$5,348,024 77.

In his communications to Congress, the late Executive insisted that we were entitled to not only payment of these claims, but also to an indemnity for the expenses of the war, on the ground that it had been wantonly commenced by Mexico. Thus, in his annual message to Congress in December, 1846, he says that—

“The war has been carried into the enemy’s country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as our much-injured citizens, who held large pecuniary demands against Mexico.”

And again, in his annual message, December, 1847, he says:

“Since the liberal proposition of the United States was authorized to be made in April last, large expenditures have been incurred, and the precious blood of many of our patriotic fellow-citizens has been shed in the prosecution of the war. This consideration, and the obstinate perseverance of Mexico in protracting the war, must influence the terms of peace which it may be deemed proper hereafter to accept.”

In the first instance, the Executive says, in effect, that he should insist on an ample indemnity for the expenses of the war; but in the last he lowers his tone, and merely suggests that the consideration of treasure and blood “must influence the terms of peace which it might be deemed proper thereafter to accept.” But it will be found, on examination of the documents, that the late Administration totally abandoned this claim. Not one word is said on the subject in the instructions of Mr. Buchanan to Mr. Commissioner Trist, nor in the *projét* of a treaty which that gentleman took with him to Mexico. (Vide Executive Doc’s, House of Reps., 1st sess. 30th Cong., vol. 8, Doc. No. 69, pp. 43 and 47.) It also appears, from the 12th article of the treaty of Guadalupe Hidalgo, that the United States undertook to pay the liquidated and unliquidated claims of our own citizens, “in consideration of the extension acquired by the boundaries of the United States, as defined in the 5th article” of that treaty, and not in consideration of the expenditure of treasure and of blood in prosecuting the war. These elements constituted no part of the motive or consideration inducing the establishment of the Rio Grande up to the south line of New Mexico as the boundary between the two Republics, and the cession of that province and of Upper California to the United States; so that the only claims sought to be indemnified by the treaty were those already indicated, and which amounted to the sum of \$5,348,024 77.

Now, Mr. President, it distinctly appears that the late Executive demanded and received from Mexico a much greater extent of territory than we were entitled to on the principle of indemnity. He made the cession of such territory an ultimatum; for he says, in his annual message, first session of 30th Congress, that—

“The Commissioner of the United States was authorized to agree to the establishment of the Rio Grande as the boundary, from its entrance into the Gulf to its intersection with the southern boundary of New Mexico, in north latitude about 32°, and to obtain a cession to the United States of the provinces of New Mexico and the Californias, and the privilege of a right of way across the isthmus of Tehuantepec. The boundary of the Rio Grande and the cession to the United States of New Mexico and Upper California constituted an *ultimatum* which our commissioner was under no circumstances to yield.”



Thus it appears that we demanded of Mexico the cession of the two provinces without the slightest reference to their value, and without troubling ourselves to inquire whether they did or did not exceed a just indemnity. By the treaty of Guadalupe Hidalgo, it is substantially acknowledged that we had overrun the States and provinces of Mexico—had assaulted her fortresses, captured her cities, and slain her people, to force her to sell us a vast expanse of territory, which we had no right to demand on our own principles.

The establishment of the Rio Grande as the boundary up to New Mexico, and the cession of that province and Upper California, were made in consideration of—

1. Payment by us of the liquidated debt due our own citizens.....	\$2,098,024 77
2. The unliquidated debt, which it was supposed would amount to .....	3,250,000 00
3. To Mexico, as the difference between the claims above mentioned and the value of the territory ceded .....	15,000,000 00

Total ..... \$20,348,024 77

It may be useful to inquire what we paid this money for. It is apparent that the late administration could not have had in view the country between the Nueces and the Rio Grande, as it was there, according to Mr. Polk, that "American blood was shed on American soil." Did we pay the amount for Upper California and New Mexico, or for the former and so much of the latter as is situated on the west side of the Rio Grande? It is now said that East New Mexico in fact belonged to Texas; if so, then we acquired by the treaty Upper California, and little else. New Mexico west of the Rio Grande is but an inconsiderable portion of the whole province, and is almost worthless. No doubt Mexico supposed she was ceding to us the whole of New Mexico, and the United States that they were purchasing the whole. The language of the treaty is conclusive as to the views of Mexico, and the instructions to Mr. Trist (already referred to) as to the views of Mr. Polk and his Cabinet. He (Mr. T.) was required to insist on "the Rio Grande as the boundary, from its entrance into the Gulf to its intersection with the southern boundary of New Mexico, in north latitude about 32 deg., and to obtain a cession to THE UNITED STATES of the provinces of New Mexico and the Californias."

I shall assume, then, that our purchase included the whole of both provinces; and a dear purchase it was, too—for we paid for Louisiana and Florida only \$20,000,000. From the former we have already carved out four large States, with territory enough for three or four more. It will be recollected that nothing was known of the mineral resources of California until some time after the treaty of Guadalupe Hidalgo was negotiated. Thus it appears that we paid \$15,000,000 for a great excess of territory over a full indemnity. Why did not Mr. Polk content himself with the parallel of 36° 30'? This would have given us the harbor of San Francisco and nearly all the gold-producing regions of California. Probably that line, according to the estimate put on the whole country by the treaty, would have considerably exceeded the claims of our citizens. But if we were obliged, as Mr. Polk insisted, to take territory in satisfaction of such claims, we had a right to insist on convenient boundaries. The parallel of 36° 30' would have been a convenient boundary for the United States—it would have avoided agitation on the slavery question. But Mr. Polk was ambitious of large and splendid acquisitions, and therefore made the cession of both provinces an ultimatum. Those views of policy were unhappily realized; and now we are harrassed by a controversy with Texas on her claim to New Mexico east of the Rio Grande, which she threatens to assert by the sword, and by much excitement and irritation, pervading the whole country on the subject of slavery generally, and particularly on the question whether our new possessions shall or shall not be open to its introduction. If these complicated differences and disputes do not result in serious convulsions, it is certain that they are producing, and I fear will continue to produce, great disturbance in and out of Congress.

It should be recollected that the late Executive was warned emphatically in advance of what would be the consequences of this policy. The issue was distinctly made up before the close of the war with Mexico between the different States and sections of the Union. I desire to refer the Senate to resolutions on this subject from Vermont, (Executive Documents, House of Representatives, 2d session 29th Congress, 4th vol., No. 81;) New Hampshire, (Senate Documents, second session 29th Congress, 3d vol., Nos. 154 and 155;) Massachusetts, (do., No. 219;) New York, (do., No. 122;) New Jersey, (do., No. 153;) Pennsylvania, (do., No. 149;) Rhode Island, (Executive Documents, House of Representatives, 2d session 29th Congress, 4th vol., No. 85;) Michigan, (Executive Documents, House of Representatives, 2d session 29th Congress, 3d vol., No. 207;) Connecticut, (Senate Miscellaneous, 1st session 30th Congress, No. 15;) Ohio, (House Miscellaneous, 1st sess., 30th Congress, No. 84; Wisconsin, (do., No. 96;) Missouri, (do., No. 2;) Texas, (do., No. 27;) and Alabama, (Senate, Miscellaneous, 1st session 30th Congress, No. 85.)

To illustrate the character of these resolutions, I would state that Missouri gave notice that she should insist on the application of the Missouri compromise, so called, "to the territory then belonging to the United States, or which might thereafter be acquired either by purchase, treaty, or conquest;" and Texas that she should claim that "any territory which might be permanently held by the United States, belonged equally to all the States;" and that "any attempt by the Federal Government to prevent the citizens of the slaveholding States from taking their property, of whatever description, with them, in emigrating to and settling on said acquired territory, would be a violation of the Constitution, an insult to the Southern people, and an outrage on the sacred rights and privileges which it is the object of all good government to protect." On the other hand, Vermont put her opposition to the contemplated acquisition distinctly on the ground that such policy would be inconsistent with "the harmony, welfare, and prosperity of the Union;" and Rhode Island, after expressing sentiments of



liberal indulgence towards slavery, as it existed in the Southern States, "which the errors of past ages have transmitted to them," protested "against the acquisition of territory by conquest or otherwise, beyond the then limits of the United States, for the purpose of establishing therein slaveholding States as deranging the balance of political power once so happily established between our confederated communities, and as manifestly in violation of the spirit and intent of the Constitution."

The Senate cannot fail to be struck by the inconsistency presented by the different positions assumed by Missouri and Texas; for if Congress has no power "to prevent the citizens of the slaveholding States from taking their property, of whatever description, with them," to the territories about to be acquired, however, could it be competent for that body to apply to such territories the Missouri compromise? The Senate will also be impressed by the great liberality displayed by Vermont and Rhode Island. Those patriotic States did not desire territory for the sake of being converted into free States, but objected utterly to all acquisition as inconsistent with the harmony, welfare, and prosperity of the Union." Such were the sentiments of the opposition to the late administration in all the free States; but, on the contrary, the Northern democracy were for acquisition, and, with few exceptions, for utterly excluding slavery. The Hon. Preston King, in some remarks submitted to the House of Representatives on the 5th of January, 1847, (Cong. Globe, 2d sess. 29th Con., p. 144,) expressed truly the views of the Northern supporters of the late administration. He said:

"The time has come when this Republic should declare by law that it will not be an instrument to the extension of slavery on the continent of America. That the boundaries, institutions, and principles of our Republic must and will extend, there can be no doubt. The present war with Mexico must result in an extension of the territory of the United States. A peace honorable to the United States cannot be made without indemnity from Mexico in territory. \* \* \* \* \* Shall the territory now free, which shall come to our jurisdiction, be free territory, open to settlement by the laboring man of the free States, or shall it be slave territory given up to slave labor? One or other it must be; it cannot be both. The labor of the free white man and woman, and of their children, cannot and will not eat and drink, and lie down, and rise up with the black labor of slaves. Free white labor will not be degraded by such association. If slavery is not excluded by law, the presence of the slave will exclude the laboring white man. \* \* \* \* \* If Congress shall refuse at this session to make this free principle a law, the arms of the Republic will conquer free territory, upon which slavery will be planted. I desire the adoption of the free principle, because I believe it to be just to the free States, just to the white men who fight our battles, and who constitute the strength of the country in peace or war; because I believe it to be consistent with the principles of our Government, and because I believe it will tend to improve the condition and character of labor in the whole country. And who will deny that, in a republic, it should be one of the chief objects of Government to elevate and dignify the condition and character of labor. Unless this measure should be brought before the House by a committee, or in some other way, I shall continue to urge the bill I proposed yesterday upon the attention of the House."

Very different were the views of my political friends from both sections of the Union. They protested against acquisitions, in any and every form. They insisted that we had already limits ample enough to accommodate and sustain any population we could have for centuries to come. They pointed to the vast expanse of vacant lands which we had on the Atlantic slope and in the Mississippi valley, and indulged dismal forebodings of the consequences which would result from the insane policy of the late administration. In this respect, there was no difference between a Whig from the North and a Whig from the South, whether he occupied a seat in this or the other wing of the Capitol. The Hon. Caleb B. Smith, of Indiana, in a speech delivered in the House of Representatives on the 6th of January, 1847, said:

"There is connected with this subject another question, involving in its decision questions of the most fearful import. \* \* \* Those who urge that we can amicably apportion these Mexican provinces, making a portion of them slave States and a portion free States, deceive themselves; "they cry peace, peace, when there is no peace." \* \* Let the territory be once acquired, and the question will be before us with all its force. \* \* \* It will be a convulsion which will shake the pillars of this Government to their foundations; and we may find too late, amidst the scattered fragments of our Union, that we have raised a spirit which we have no power to control."—(Cong. Globe, Appendix, pp. 229, 232.)

The Hon. Mr. Ashmun, of Massachusetts, in a speech delivered in the same body February 4, 1847, said:

"They (the people of the North) are willing and anxious to stand by the Constitution as given to us by our fathers; and, however much they may regret some of what are called its compromises, they will stand by it. But when you set on foot a series of measures which have for their object and end an extension of slavery as an element of political power—when you attempt to bring in foreign territory, and give it a slave representation in the Congress of the Union, so that the interests of the free States are to be outvoted and overpowered here, they would be false to all their duty if they did not resist at every step. \* \* \* Let me say to my Southern friends, in all frankness, that we of the North want no more territory, whether acquired by purchase or conquered by war."—(Cong. Globe, Appendix, 2d session 29th Congress, pp. 289, 293.)

The Hon. Mr. Winthrop, of Massachusetts, in a speech delivered in the same body February 22, 1847, said:

"It is plain that there are two parties in the Northern States. Both of them are opposed, uncompromisingly opposed, as I hope and believe, to the extension of slavery. One of them, however, and that the party of the present Administration, are for the widest extension of territory, subject to the anti-slavery proviso. The other of them, and that the party to which I have the honor to belong, are,



as I believe, content with the Union as it is, desire no annexation of new States, and are utterly opposed to the prosecution of war for any purpose of dismembering Mexico. Between these two parties in the free States the South holds the balance of power. It may always hold it. If now, therefore, it will join in putting an end to this war, and in arresting the march of conquest upon which our armies have entered, the limits of the Republic, as well as the limits of slavery, may be finally established."—Cong. Globe, Appendix, 2d session 29th Congress, pp. 406, 408.)

In a speech in the House, December 6, 1846, the Hon. Mr. Gentry, of Tennessee, said :

"All the dangers growing out of this question of slavery which we have met and overcome heretofore, are as nothing compared with those which will arise when that question shall come up as the consequence of Mr. Polk's conquests and annexation. \* \* \* The President is driving the ship of state into a most stormy and dangerous sea; and if Congress fails to act in the lofty spirit of patriotism which the occasion demands—if it fails to assert the constitutional rights and perform the constitutional duties which properly belong and attach to the legislative branch of the Government, by putting a limit to Executive discretion in the further prosecution of this war with Mexico—in my opinion the day is not distant when it will require all the virtue, intelligence, and patriotism of the country to preserve the Union and save the public liberty."—(Cong. Globe, Appendix, 2d sess. 29th Cong., pp. 56, 62.)

In a speech in the House, February 22, 1847, Mr. Pendleton, of Virginia, said:

"The Democratic party, [of the North,] with a very few exceptions, go at this moment for territorial acquisition, to be made into free States, on our Southwestern border; and, to carry out this purpose, they put to hazard the Union itself

"The Whigs, on the other hand, every man of them, say to us of the South: 'We want no more territory, free or slave; we have enough, and more than enough; we have already discord and trouble enough. But if you will not be warned—if you will go on in this wild career of annexation—we tell you now, that whilst we leave to you the management of your domestic institutions as seems best to you, whenever these new territories do come in, public sentiment in our end of the Union will force all parties to insist upon conditions which will enforce submission upon you, or rend our Union into atoms.'"—(Cong. Globe, Appendix, 2d sess. 29th Cong., pp. 409, 414.)

Mr. President, I could produce extracts from the debates in this chamber during the second session of the 29th and the first session of the 30th Congress, containing sentiments from my political friends of the same character; but I shall content myself with submitting a paragraph from the speech of my honorable and distinguished friend from Georgia, (Mr. BERRIEN,) to be found in his speech of the 5th of February, 1847, as follows:

"Consider, I beseech you, what are the consequences to which this lust for the acquisition of territory is leading you. When you have acquired those territories, how will you surmount the difficulties which will necessarily attend their possession? You cannot, consistently with the Constitution, govern them as subject provinces; you cannot, consistently with what you owe to yourselves, incorporate a mongrel race, a half civilized people, into the Federal Union. But suppose you could: then comes that fearful question, which more than any other menaces the duration, the permanency of the Union. Do you believe that any treaty which may be negotiated with Mexico, by which territory may be acquired, can receive the sanction of this body, leaving the question of slavery open—providing for its allowance or excluding it? I appeal to American Senators, from whatever portion of the Union, will you slumber on your posts while this distracting question is thrust into our council chamber? My appeal to Southern Senators is yet more direct and pressing. I ask if their duty to their constituents does not imperatively demand that they should withhold their assent to any treaty which does not protect, by express stipulations, the domestic institutions of those whom they represent? Consider the consequences of our infidelity. If, under the influence of whatever motive, we should acquiesce in the acquisition of territory without such a stipulation as would secure the interests of our constituents, the inevitable consequence would be their exclusion from all participation in the territory thus acquired—inevitably, with the certainty of fate, this exclusion would follow."—(Cong. Globe, Appendix, 2d sess. 29th Cong., pp. 296, 301.)

But, notwithstanding this urgent appeal, both Northern and Southern Democratic Senators concurred in ratifying the treaty negotiated by Mr. Trist, with a cession of a large expanse of territory, which left "the question of slavery open," and has involved us in our present difficulties and dangers. The honorable Senator (Mr. BERRIEN) having, with a prescience that reflects the highest credit on him, all these evils in full view, voted against the treaty. I sympathized with him in feeling and opinion at the time; and had I been a member of the body, with the power of giving a thousand votes, every one of them would have been cast against it. Why did not the Senate restrict Mr. Polk to indemnity merely, or at least restrain his ambition for territory to the parallel of 36 deg. 30 min? Millions may yet rue the rashness and folly of this procedure.

Before dismissing the anticipations so fully expressed by those who stood up so manfully in opposition to the policy of the late Administration, I hope I shall be pardoned for bringing forward some of my own. In some remarks—which I submitted in the House of Representatives on the 2d of March, 1848—the treaty being then before the Senate—I observed that "the policy of this Administration must inevitably overthrow the Missouri Compromise, (so called.) I say nothing about the propriety of adopting that Compromise originally. I may not have great reverence for it; but one thing is certain, it has hitherto constituted a broad and deep line, regulating the policy of this Government. A large majority of the American people have manifested a determination to stand by it. But how can the territory to be acquired be divided by the parallel of 36 deg. 30 min. into free States and slave States? How can New Mexico and California be so divided? The habitable portions of those countries lie across that line, and the whole of each must be associated together in a State. There is not, in fact, enough of the one or the other to make a State. There can never be population enough to



permit a division of either, and therefore we are certain to have thrown among us the firebrand of the slavery question. This may seem a light matter to many honorable gentlemen; but I must confess that the civil dissensions and the sectional alienations which these acquisitions are likely to arouse, are amongst my strongest objections to them. I go for the Union as it is—not for a mere Union constrained by brute force; but a Union of mutual confidence and good will, all respecting ‘the compromises of the Constitution,’ and all co-operating in one common effort to work out the problem of a glorious destiny.”

At the time these remarks were made, nothing was known of gold in California, the discovery of which has made a vast difference in the resources of that country. But, nevertheless, my prediction that a State organized on the Pacific would be found to lie across the Missouri Compromise line has been realized. California is now here with a republican constitution, seeking admission into our Union, with limits properly comprehending the whole of the coast of that territory, and we have, as I said we should have, “thrown among us the firebrand of the slavery question.” The prediction will be found hereafter to have been equally true in relation to the residue of California and of New Mexico. Indeed, this bill proposes the organization of territorial governments for Utah and New Mexico, with limits for each which will place them a cross the parallel of 36 deg. 30 min. This is certainly true of New Mexico, and I believe it is so of Utah, though I am not quite certain that the southern rim of the great basin extends below that parallel. If, then, the Missouri Compromise line has been overthrown, it is the policy of Mr. Polk which has done it. The geographical position and the physical character of the countries acquired render this inevitable.

And what particularly aggravates the enormity of the case is the fact that the treaty was ratified without its being possible for the Senate to pass on the *intrinsic merits* of these acquisitions. It is believed there could not have been obtained in this chamber even a majority for them *per se*, much less a majority of two-thirds. But honorable Senators were compelled to choose between a deplorable war and a bad treaty. Many believed the evils of the treaty to be much less than those of the war, and voted for the former, though utterly opposed to the policy of acquisition, at least to the extent it was carried.

We are now prepared to advert to the language which so often flowed from the pen of our late Chief Magistrate, (Mr. POLK,) that we could not close the war with honor without “indemnity for the past, and security for the future.” But did honor or sound policy require him, in the name of “indemnity for the past,” to demand all the territories comprised in the treaty? and had he, in seeking in this form “security for the future,” a reference to the internal tranquility of the country? Let the present, with all its dismal forebodings of evil to result from these very acquisitions, answer.

But, to a just appreciation of the entire subject, it is necessary to inquire, at what expense of treasure and of blood have we obtained these Territories? If we have taken a viper to our bosom, which is stinging our very vitals, what sacrifices did we make to procure it? If we have chased down and seized a wolf by the ears, which we can neither hold nor let go, what were the costs of the pursuit?

To ascertain the cost of these acquisitions, it is necessary to bring into view not only the amount stipulated to be paid by the treaty, but the vast expenditures of the war itself. I invite attention to the following elements, from which a satisfactory result can be deduced:

1. It appears from the annual report of the Secretary of the Treasury, (Ex. Docs. 1st session 29th Congress, 2d vol. Doc. No. 6, pp. 1 and 25,) that on the 1st of July, 1845, the balance in the Treasury was	\$7,658,306 22
2. It also appears by the annual report of the present Secretary to this Congress, (Doc. No. 4, pp. 5 and 6,) that the addition to the National debt, by reason of the late war with Mexico, was	43,508,178 55
3. The excess of the revenues of the Government during Mr. Polk's Administration—that is to say, from the 1st of July, 1845, to the 1st of July 1849—over and above the ordinary expenses of the Government for the same period, was	36,826,938 18
4. The whole number of land warrants issued and issuable to soldiers engaged in the late war, as bounties, as estimated by J. L. Edwards, esq., Commissioner of the Pension Office, (vide report of the Secretary of the Treasury to Congress at this session,) is 90,000, which, at 160 acres each, make 14,400,000 acres, and, at \$1 25 per acre, amount to	18,000,000 00
5. Paid to such soldiers as commutation money, in place of land, pursuant to an act of Congress, (which I have ascertained on inquiry at the Treasury)	261,375 00
6. Paid and to be paid to our own citizens and to Mexico, under the treaty of Guadalupe Hidalgo, as already stated	20,348,026 77
	<hr/>
	\$126,222,817 47
From this should be deducted the amount in the Treasury on the 1st July, 1849	2,184,463 82
	<hr/>
Balance	\$124,038,354 65

To this is to be added several other items, which I leave indefinite, as I have no means of ascertaining their precise amount:

“7. The amount and value of the arms, ammunition, and munitions used and consumed in the war; including the deterioration of such as were brought back from Mexico, the same being in our arsenals at the time war broke out.

“8. Ditto in the naval service, including shipwrecks and the deterioration of our public ships and their armaments.

“9. The increase of our pension list.

“10. Payments made in a regular course of administration since the 30th of June, 1849, which are known to have been very considerable.

“11. The many private claims arising out of this war, some of which are now pending before Congress, and others to be presented from time to time for the next quarter of a century.

“12. The expenses which must be incurred to execute the 11th article of the treaty of Guadalupe Hidalgo, which imposes on us an obligation, “to forcibly restrain the savage tribes,” brought under our



jurisdiction by the treaty, from making "incursions into Mexico," and to rescue from said tribes Mexican "captives, and to return them to their own country."

"13. The additions which have been or will hereafter be made to our army and navy, in consequence of said acquisitions, for other reasons than the execution of the 11th article."

Mr. President, explanations as to some of these items will be necessary to a proper understanding of the subject.

With respect to the third item, I would observe that it is impossible to ascertain, by an examination of the accounts, what the excess of the revenues over the expenditures of the Government during the late Administration would have been, had the country remained at peace, for the reason that the ordinary expenditures are so mixed up with those occasioned by the war, that it is impossible to separate the one from the other. I, therefore, in the first place, ascertain what the revenues were for four financial years, viz., from the 30th of June, 1845, to the 1st of July, 1849, (exclusive of loans and treasury notes,) and find them to have been as follows:

For the year ending the 30th of June, 1846	-	-	-	-	-	-	-	-	\$29,499,247 06	
For the year ending the 30th of June, 1847	-	-	-	-	-	-	-	-	26,346,790 47	
For the year ending the 30th of June, 1848	-	-	-	-	-	-	-	-	35,436,750 19	
For the year ending the 30th of June, 1849	-	-	-	-	-	-	-	-	31,064,347 50	122,347,135 62
To ascertain what would have been the expenditures had it not been for the Mexican war, I take those of the financial year ending the 30th of June, 1845, as the standard, which, exclusive of payments towards the national debt, were \$21,380,049 36; which being multiplied by four, gives an amount for the whole of Mr. Polk's Administration of										85,520,197 44
Excess										\$36,826,938 18

It is believed that twenty-one or twenty-two millions would have been ample, had the peace of the country been maintained; so that this large excess, with other items mentioned, was expended in the war with Mexico.

To enable me to make an approximate estimate of the 7th, 8th, 9th, and 10th items, would require more investigation at the Departments than I have been able to make. The pensions will be an incumbrance on the treasury for many years, and the equivalent in ready money can only be ascertained by calculations on the principles of life insurance, which I am not competent to make. To enable the Senate to form a just estimate of the burdens imposed by the 12th and 13th items, I invite attention to the following statement:

The expenditures for the army for the fiscal year ending the 30th of June, 1850, were	\$9,605,094 70	
For the fiscal year ending the 30th of June, 1851, they are estimated at	8,296,183 44	17,901,278 14
The same expenditures for the fiscal year ending the 30th of June, 1845	3,155,027 30	
For the fiscal year ending the 30th of June, 1846	3,947,595 25	7,102,622 55
Difference		\$10,798,655 59

The last three quarters of the year 1850, and the whole of 1851, were and must be taken from the estimates; also the last three quarters of 1846, for the reason that the war broke out during that fiscal year; and there is no other way of ascertaining the expenses of the army for that period on the peace establishment. Thus it appears that there has been added to the burdens of the country, under the head of army expenditures, since the accession of Mr. Polk, the enormous sum of \$5,399,327 79 per annum. I am sensible that this, however, is not all to be charged over to the account of the 11th article of the treaty of Guadalupe Hidalgo, and the acquisitions which we have made by that treaty. A considerable part of this amount is due to Oregon. But if we suppose that our new possessions have added only \$1,500,000 per annum, under this head, it will be sufficiently startling. The equivalent in ready money is \$25,000,000.

As a further illustration of the pecuniary sacrifices which we have made in this war, I invite the attention of the Senate to the augmentation of interest from this cause, which we are compelled to pay on our national debt:

It appears from the last report of the Secretary of the Treasury that the interest paid on our whole debt for the year ending the 30th of June, 1849, amounted to	\$3,565,558 04
Also from the report of the Secretary at the first session of the 29th Congress, that such interest amounted to	1,040,032 02
Difference	\$2,525,546 02

Mr. President, I have already shown, by the definite items adverted to, that we have paid, on account of the war and the territories transferred to us by the treaty, the very large aggregate of \$124,038,353 65. But it seems it is not enough for us to purchase New Mexico once: we are now required to buy of Texas so much thereof as is situated on the east side of the Rio Grande. Such is one of the propositions of this bill. With what sum the blank in the fourth paragraph of the last section is to be filled I know not: but it is whispered in this chamber that the Committee contemplate proposing \$10,000,000, which will carry the aforesaid aggregate up to \$134,038,353 65. If, then, we bring into view the indefinite items, and place on them even a low estimate, we shall have an expenditure made and to be made, on account of the war and for these Territories, of not less than \$150,000,000!

One hundred and fifty millions! How prodigal is war of treasure! How infinitely less costly and more beneficent are the arts of peace! How much good could have been effected for the American people with this enormous sum! How many harbors and rivers improved, and how many railroads



constructed! Even now the locomotive might have been darting across this continent, from the Mississippi to the mouth of the Columbia, and inestimable benefits conferred on the present generation and on posterity.

But, Mr. President, I have a subject to present, in connexion with the war, infinitely more interesting. I refer to the great number of precious lives sacrificed, and the vast quantity of blood poured out in its prosecution. Here I bring into view the following statistics:

It appears from Executive Document (House of Representatives, present Congress) No. 24—	
1. That there were killed in battle and accidentally, and died of wounds in the war, of the old establishment, additional regiments, marines, and volunteer force, officers and men	1,912
2. That the ordinary deaths, of all descriptions of force, amounted to	10,966
Deaths returned	12,878
3. That there were discharged for disability 9,749, most of whom, it is believed, died either in Mexico, on their way home, or after their arrival; but, not to make an over estimate, say one-half, which is	4,874
4. There were mustered into service, (officers and men,)	73,260
Mustered out of service	50,573
	22,687
Returned as discharged, dead, or deserted	20,072
The difference (supposed to be dead) is	2,615
5. It is well known that of those mustered out of service many have died of disease contracted in Mexico. The whole number (as already stated) was 50,573; if we suppose a loss of 10 per cent., (which is moderate,) we have in this item	5,114
	25,481

To prove that this is not an over-estimate, I invite attention to the following facts:

1. It is stated in the above named document (p. 4) that “the discharges on account of disease or disability, and the number of ordinary deaths reported to the adjutant general’s office,” \* \* \* “must be much less than the actual loss, owing to the missing muster-rolls, and returns which could never be obtained, although repeatedly written for to commanders of regiments and corps.”

2. It appears, also, from the same document, that no less than 6,725 deserted during this war, many of whom doubtless perished; but as these poor wretches abandoned the flag of their country, I care not to bring them into the account.

3. There must also have been a considerable loss of life among the non-combatants and camp-followers, of whom great numbers follow in the train of every army.

4. The case of the first regiment of New York volunteers has recently undergone investigation in the assembly of that State; and a report has been made by H. J. Raymond, esq., from which I make the following extract:

“The only regiment that was commissioned in this State, and sent direct to the scene of war, was that of the first regiment of New York volunteers, under the command of Col. Ward B. Burnett. The officers received their commissions, and, together with the men, were mustered into service in January, 1847, and during the same month embarked as follows: Companies C, D, and E, in the ship Catherine, under the command of Major James C. Burnham; companies A and G, in the barque Isabel, under Captain Charles H. Shaw; companies H, F, and part of K, in the brig Empire, under Col. Ward B. Burnett; company I and balance of K, in the barque Jubilee, under Captain Morton Fairchild, and company B, under Lieut. Col. Baxter.

“The whole number that departed originally for the seat of war was 805.

Of these there died in Mexico, or were killed in battle	227
Discharged from disabilities, wounds, sickness, &c.	226
Missing and deserted	35
Died since their return	56
Known to be living	106
Leaving wholly unaccounted for	155

Total 805

“Of those discharged in Mexico, as above stated, in number 226, very few have been heard of. It is supposed that most of them died, being sick when discharged.”

If the New York regiment is a fair sample of other volunteer regiments, then I have greatly underrated the mortality of this war.

But this is not the whole loss by any means. By document No. 24, it appears that 2,075 officers and men were wounded in battle, and many of these are maimed, and can do nothing either for their families or the State. Besides, a vast proportion of those who returned from Mexico, and are still living, have their constitutions shattered or broken down, are oppressed with disease, and incapable of useful industry, and will, after being for a time a burden to their friends or society, go down to a premature grave. Mr. Raymond, in his report, speaking of the New York regiment, says:

“Of those known to be living, numbering 106, nearly all are broken down by disease, hardships, or wounds received in the campaign, and are unable to support themselves.”

I am safe, therefore, in assuming that the Mexican war occasioned the sacrifice of not less than 25,000 lives! and among them some of the most lofty spirits ever bred to the profession of arms. Their names, their accomplishments, their generous impulses, and their deeds of noble daring, will find a place on the brightest pages of our country’s history. And what shall we say of the many private soldiers who, though obscure, were devoted and brave to a fault—whose bodies, uncoffined, were shovelled under the earth, or whose bones whiten the fields of Mexico? What of the vast number of widows and orphans scattered over the land, who are left without a husband’s or a father’s hand to succor and sustain them, and who, amidst poverty and desolation, can only pour out unavailing tears for those they loved?

But this is not all. By the policy of the late Administration, territories have been acquired which



have become "the apple of discord" to the whole country. The peace of the country has been alarmingly disturbed; irremediable dissension and bitterness have been introduced into our national councils; a spirit of illiberal and mischievous sectionalism has been spread over the land; and the affections of the people of the North and South have been alienated to such an extent as to require the utmost prudence and discretion, in and out of Congress, to restore them to their pristine strength and vigor. Treasure and even blood are nothing in comparison with the harmony and cordial good will of these States. It is said by high authority that "it is better to live in the corner of a housetop than with a brawling woman and in a wide house." Our territories were wide before the recent acquisitions; but the policy of Mr. Polk and his cabinet has made them wider, and, in consequence, we have nothing but *brawling* on the negro question—brawling for two years—and when it is to end, Heaven only knows.

Have we obtained for such sacrifices any adequate equivalent? I do not propose to go into an examination of the value of these Territories. I shall have occasion hereafter to recur to the considerations appertaining to this subject, particularly so far as East California and New Mexico are concerned, in treating of the practicability of introducing slavery into those countries. In the mean time, I make the following remarks:

1. No doubt the acquisition of the harbor of San Francisco was quite desirable, in reference to the commerce of the Pacific; and this, as I have already shown, came within the scope of a just indemnity.
2. The mineral resources of California on the Pacific are, it must be admitted, very large; but I am among the number of those who have serious forebodings on this subject. I do not believe that gold-hunting is adapted to make good republican citizens. What we want for our people is steady employment, regular industry, and moderate gains. Agur's prayer, "give me neither poverty nor riches," is exactly adapted to our case. There never has been a nation hitherto that has stood the pursuit of the precious metals; they have degenerated and become truly wretched. But we are about to try a dread experiment—the effect of gold-hunting on the Anglo Saxon race. By an irresistible temptation, we take our people from their farms, their workshops, and their families, carry them over the Sierra Nevada, and precipitate them among the recesses of those mountains. How are they found there? Without Sabbaths, a preached gospel, churches, schools, and the humanizing influence of the family, and exposed to all the baleful temptations of the grog-shop and gaming-table! A part of the first generation who go there, with their habits well formed, and with sound morals thoroughly established, may be able to resist these temptations; but how will it be with their posterity? Will they not degenerate and become effeminate and corrupt? I greatly fear that this gold business will prove nothing but an unmitigated curse to the American people. But it is useless to dwell on this feature of the case, as gold makes an appeal to the human heart which is absolutely irresistible. I might as well undertake to beat back the cataract of Niagara with a feather, as to undertake to resist the popular impression on this subject.

But can it be said, in any proper sense, that we own all this gold? Have we exercised, or can we exercise, any dominion over it? Have we obtained one dollar of revenue from it? Have we been able to appropriate it even to the use and benefit of our own people? On the contrary, is it not notorious that every nation, kingdom, and tongue resort there, and take what they please? These inexhaustible riches belong rather to the whole world than to the United States of America. Possibly, when we get through quarrelling on the slavery question, it will be in our power to do something with them.

3. By the treaty of Guadalupe Hidalgo, we acquired the sovereignty of these countries; but we cannot exercise it. The ratifications of such treaty were exchanged at Queretaro on the 30th of May, 1848, and the treaty itself was proclaimed at Washington on the 4th of July following—over two years ago—and to this day we have not been able to exercise the power of governing it. The people owe to us the duty of allegiance, and we cannot fulfil the corresponding obligation of protecting life, liberty, and property. We are known to California by little else than the power of taxation.

Such are the sacrifices which we have made to obtain these Territories—such the errors of the past, and the responsibilities of the late administration.

But we have made these acquisitions. What are we to do with them? Nations, no more than individuals, can recall their indiscretions. We are bound to deal with the existing state of things as best we can, and to meet the present crisis with a wise forecast, and as shall become statesmen and patriots. We must have an eye to the peace and harmony of the country and the success of our free institutions.

Now, sir, I am about to make what, perhaps, honorable members will regard as a vain attempt to reduce the questions before us to their due proportions. My conviction is, that the whole difficulty results from the fact that their importance is most enormously overrated, at least in a practical point of view, and that if the whole country could be brought to a proper appreciation of "the truth, and the whole truth," there would be no excitement, no alienation, and, at no distant day, harmony in our public councils, and mutual respect, confidence, and affection among the people, would prevail.

In the first place, I wish to inquire, what is the real state of the case before us, and what are the elements to be brought into view to enable us to make a proper disposition of them?

It has been assumed throughout the entire discussion that this is a controversy between sections and States—between free States and slave States. It has been said, over and over again in this chamber, that the free States are seeking to exclude the slave States from all participation in the common property. This I deny. I hope to be able to show, before I get through, that there is no sufficient ground for controversy in any point of view; but, if the fact be otherwise, I insist that it arises between different classes of citizens, and not between States or sections—between slaveholders and non-slaveholders both of the free and slave States. I do not advert to this for the purpose of raising any invidious distinction between the different classes of citizens in the slave States, but merely to bring out the case in conformity with truth and fact. The non-slaveholders of the slave States can and do



go to our new possessions precisely with the same advantages enjoyed by the non-slaveholders of the free States. They go with their wives their children, and their money, goods, and chattels, at pleasure, and that is all our people can do; and, what is remarkable, they are, when settled in the country, just as determined to exclude slavery as any other class.

Again, the slaveholders of the South can emigrate to the Territories on an exact footing of equality with the non-slaveholders of either section: both can take their families, and, on arrival, can go to work and earn their bread by the sweat of their brow. Slaveholders can take all their property with them, if they will only convert it into money, and that, in the main, is what non-slaveholders are obliged to do. But it is said that non-slaveholders have the privilege of taking any and all of their moveable property specifically. Why should not slaveholders have the same privilege in respect to that sort of property which consists in slaves? The answer to this is plain. The impossibility of doing so is not to be charged to any fault in the Constitution and laws of the United States. It is not the fault of non-slaveholders either of the free or slave States, but it results from the nature of the property itself, which is against common right. It is created by municipal laws, is itself local in its character, and can have no extra-territorial existence, except in States where slavery is tolerated. If a slaveholder voluntarily takes his slave into a free State, he is instantly free; and were it not for the provision of the Constitution which imposes an obligation to restore or deliver up fugitives from service or labor "to the party to whom such service or labor is due," slavery could have no recognition in the free States. The real obstacle, then, to the introduction of slavery into New Mexico and California will be found in the very nature of the institution, and results from principles of jurisprudence acknowledged by the whole civilized world.

The claim that slaveholders have a constitutional right to take this sort of property into the Territories, amounts to a requisition for every rood of land belonging to the United States to be made the theatre of slave labor. It is an attempt to monopolize all the Territories in behalf of slavery. It is a claim to exclude free labor—or, rather, that, if free labor is to enjoy the common property at all, it shall commingle with slave labor, which is impossible. The supposed right to introduce slavery everywhere, and the offer to compromise on 36° 30', are inconsistent. If it be strictly a right, then all the legislation of Congress on this subject from 1789 to this day is void; the well known anti-slavery clause of the ordinance of 1787 is a nullity, and the compromise on 36° 30', in the act for the admission of Missouri, is equally vain and nugatory.

Having thus ascertained the true character of the question before us, I now proceed to consider its importance in a practical point of view. It may and does involve an important principle. In reference to the actual state of things in New Mexico and California, it is believed that the bearing of the subject on the welfare and true interests of the different sections has been much overrated, partly to subserve party purposes, and partly to promote private ends. The toiling millions have very little at stake in the solution of the question the one way or the other. It may have some bearing on the question whether this man or the other shall be the next President of the United States, or this party or the other shall control the destinies of this country during the next executive term.

I have often heard it said since I have been in Congress, that the controversies which we have had on questions of this character are in fact a mere struggle between the different sections for political power. The honorable Senator from Tennessee (Mr. BELL) more than once affirmed that such is the object of the present dispute, and this he insisted constituted the only or main obstacle to a satisfactory adjustment. I confess I have never been able to comprehend such a suggestion. Is it meant that there is to be an arrangement of parties on sectional lines? Do honorable members mean to say it is the purpose of the South to obtain, by an augmentation of slave territory, a numerical superiority, and then to band themselves together to control this Government, and to wield all its vast powers for their own benefit? Can any man suspect the North of any such purpose? Will it be said that we have this end in view in opposing the introduction of slavery into territory now free? My belief is, that some vague or indefinite idea or notion of this sort does pervade the public mind, and that it is fraught with nothing but mischief. I fear it has greatly enhanced the bitterness of this controversy. How it is to be done nobody knows. How the issues are to be made up no one can tell. There never has been any such arrangement of parties, and I venture to predict there never will be, or, if there is, it will be only for a brief space. The American people will continue to divide on great questions of public policy, without the slightest reference to the distinction between north and south, east and west. One class of members, and their constituents of all sections, will take one side of these questions, and another class the other side. I cannot, therefore, believe that the question whether we shall open our new possessions to slavery has any thing to do with a mere sectional ascendancy in the Government.

Early in the present session we had considerable discussion on the practicability of maintaining an equilibrium between the free States and slave States, which seemed to partake of the idea to which I now advert. I propose to show that any expectation by our brethren of the South of success in such an effort is utterly idle and fallacious.

And here I observe that the free States have been gaining rapidly on the slave States in the House of Representatives, from the organization of the Government to this day. To show this, I produce the following table:

	Free States.	Slave States.	Maj.		Free States.	Slave States.	Maj.
By the 2d sec., art. 1, of the Constitution, the representation in the House stood	35	30	5	By the 3d census	103	78	25
By the 1st census	57	48	9	By the 4th census	123	89	34
By the 2d census	76	63	13	By the 5th census	141	99	42
				By the 6th census, (1840)	135	88	47



Since the last apportionment, Wisconsin with three members, Iowa with two, Florida, with one, and Texas, with two have been admitted into the Union, and this carries the majority of the free States up to forty-nine, to be further augmented, and made fifty-one, when California takes her place among the galaxy of States. This disparity will doubtless become more marked by the next apportionment, and I shall not be surprised if the majority shall reach the figure 60; and at no distant period the free States will fill nearly, if not quite, two-thirds of the seats in the House.

As a further illustration of the rapidity with which the free have been gaining on the slave States, I present the following contrast of representation between New York and Virginia:

By the Constitution, New York had	6 members,	Virginia 10—majority for Virginia	-	-	-	-	-	-	-	9
By the 1st census,	10	"	"	19	"	-	-	-	-	5
By the 2d census,	17	"	"	22	"	-	-	-	-	4
By the 3d census,	27	"	"	23—majority for N. York	"	-	-	-	-	12
By the 4th census,	34	"	"	22	"	-	-	-	-	19
By the 5th census,	40	"	"	21	"	-	-	-	-	19
By the 6th census, (1840)	34	"	"	15	"	-	-	-	-	19

Both States lost six members by the last census, (to be accounted for in part by a reduction of the House;) but the per centage of loss by Virginia was much greater than that by New York, for a reason that is obvious. One would suppose that such facts were enough to excite a doubt in every candid mind as to the propriety of extending slavery into Territories already free, and as to the adaptation of the institution to promote the prosperity of any people. But there is now an exact equilibrium in this Chamber between the free States and the slave States, though the representative population of the former, according to the last census, was 9,654,461, and of the latter only 6,253,915; and the free population stood 9,654,143 in one section to 4,780,087 in the other. It thus appears that the representative population of the free States exceeded, by the last census, that of the slave States by over one-third, and the free population over one-half. Arkansas was admitted into the Union by act of Congress, approved the 15th of June, 1836, with one representative; and she is the first State that failed to take an increase by the first apportionment after admission. She has at this time only one seat in the House, and such will be her situation until the 4th of March, 1853—seventeen years! While, during this long period, she occupies two seats in this Chamber, and wields one-thirtieth of the legislative and executive power vested in this body, but only one out of two hundred and thirty-one parts of the power exercised in the other wing of the Capitol. Whether she will have a stronger position by the next census is doubtful. Verily, this is little better than the rotten borough system!

But the South will continue to enjoy here advantages greatly disproportioned to her population, whether representative or free; yet it is certain that the equilibrium between free States and slave States now existing cannot be long maintained. And here I ask the Senate to consider—

1. That California is now knocking for admission into the Union, and she comes as a free State.
2. Oregon must be divided into three or four States, all of which will have the same character.
3. Minesota will be divided into at least two States, which will exclude slavery.
4. The country above 36° 30', and west of Minesota, will make two more, equally exonerated from the evils of negro bondage.
5. I hope to show Senators that New Mexico and Deseret will and must be free States, Proviso or no Proviso.

6. Some four or five of the present slave States will become free States by the opening of the next century. I refer particularly to Delaware, Maryland, Virginia, and Kentucky—perhaps others should be added. I here make the prediction that the sun which rises on the 1st of January, 1900, will glance its rays on the broad acres of Virginia as a free State. This result, so highly auspicious, will be effected by emigration from the free States and from Europe. Already we hear the pattering that precedes a storm. Since I came to Congress five hundred northern families (including two members of Congress) have removed to and settled in the small county of Fairfax, adjoining this district. They are penetrating other counties, and will ere long spread over that entire Commonwealth. The effect will be highly beneficent and grateful. They do not and will not go there as agitators on the subject of slavery, but as good, quiet, well disposed citizens, and will consecrate all their energies to developing the resources and advancing the prosperity of that great State. They will purchase the vast estates there common, and will divide them into farms of moderate size—will build school-houses, churches, and villages—put up manufacturing establishments—construct railroads, and develop her resources in every way. "The mother of States" will find herself ere long the rival, if not the superior, of the commonwealth already adverted to, which has so far outstripped her in power and prosperity.

Further, this northern and European emigration will resort to the whole mountain regions of the South, so admirably adapted to free labor. They will fill them up with teeming millions, and, as the process goes on, the colored race will gradually retreat towards the coast—ultimately they may pass off into the West Indian archipelago, or creeping along the *Terre Caliente* of Mexico, may find a resting place in Central or South America. Besides, all whom it may concern should take notice that freedom may erect her standard in Western Texas, where the Germans are resorting in great numbers, who are understood to be quite averse to African slavery. In my opinion, northern agitation will not contribute in the slightest degree to the progress which I doubt not our country will make towards a complete exoneration from the evils of slavery, but our deliverance will result from the developments of time. In this respect, I fully concur in the sentiments of a speech, delivered by the honorable Senator from Kentucky at Lexington, in that State, on the 13th of November, 1847, in which he said:

"The evil of slavery was inflicted upon us by the parent country of Great Britain, against all the entreaties and the remonstrances of the colonies. And here it is amongst us and amidst us, and we must dispose of it as best we can, under all the circumstances which surround us. It was continued



by the importation of slaves from Africa, in spite of colonial resistance for a period of more than a century and a half; and *it may require an equal or a longer lapse of time before our country is entirely rid of the evil.* And in the mean time moderation, prudence, and discretion among ourselves, and the blessings of Providence, may be all necessary to accomplish our ultimate deliverance from it."

The free States, then, have a decided ascendancy in the House, and will soon have an ascendancy little less marked in this chamber, though you may postpone it for a time by cutting up Texas into three or four new States, in conformity with the annexation resolutions; but Texas may not desire such a division, or if she does, one or more of such States may be free States.

The free States having now a great preponderance in the House, and a corresponding preponderance in the electoral colleges, to be much enhanced hereafter, how idle is it to think of maintaining an equilibrium between the two sections! Of this the honorable Senator from South Carolina, (Mr. Calhoun) whose death we all deplore, seemed to be well aware; for in a speech delivered early in the present session, he demanded an amendment of the Constitution, and new guaranties. But what that amendment and those guaranties should be, he did not see fit to inform us.

In the next place, Mr. President, I observe that this controversy proceeds on the supposition that there is some antagonism, political or otherwise, between the free States and the slave States. The presence of this idea in and out of Congress is the fruitful cause of bitterness, dissension, and strife. I utterly deny that there is any such antagonism—that there ever has been, or ever can be.

1. There has not been, and will not be, a political antagonism between the free States and slave States; certainly none of which the latter can complain. It is not so as to the chief executive office. Presidents from the slaveholding States have been chosen forty-eight years out of sixty, and we are now going on four years more; so that, at the end of the present term, the slave States will have held the presidency fifty-two years out of sixty-four, or more than four-fifths of the time from the 4th of March, 1789.

The slave States have had a majority of the cabinet ministers under this Government. Witness the following statement:

	Slave States.	Free States.
State Department - - - - -	14	4
Treasury Department - - - - -	6	13
War Department - - - - -	12	15
Navy Department - - - - -	10	12
Postmaster Generals - - - - -	5	8
Attorney Generals - - - - -	15	7
	<hr/> 62	<hr/> 59
Interior - - - - -		1
		<hr/> 60

It is believed that the same state of the case exists in regard to the diplomatic appointments, and, indeed, all other branches of public service.

The free States, therefore, have manifested no disposition to avail themselves of their superior strength to secure to themselves an undue share of the patronage of this Government; they have not even done justice to their own sons. Was it not magnanimous in them to elect, as they did in 1848, another President from the opposite section—a slaveholder from the extreme southwest? I say nothing of the propriety of conferring on President Taylor the high office which he now holds; but certainly there was manifested by that procedure anything else than a disposition to do injustice to the slaveholding States. Notwithstanding all the alienation and bitterness which have been exhibited on sectional topics for some years past, and notwithstanding the slaveholding States have almost monopolized the presidential office for sixty long years, the free States, partly from an unbounded admiration for and confidence in the man, and partly from a conviction that the public interest required it, came forward and gave him no less than ninety-seven electoral votes out of one hundred and fifty-four, or sixty majority. In the past, therefore, the slave States have a guaranty for the future; they need fear no organization of the free States against them. It is an unnatural state of things; and if it were to arise from adventitious circumstances, it could only last for a day.

2. There is no antagonism of interest between the free States and slave States. The prosperity of the country depends on elements which are common to both sections—the whole and every part:

1. In maintaining the external peace of the country—a consideration of the first importance.

2. The internal peace and tranquility of the same; it being the duty of the Government, not only to repel invasion, but suppress insurrection, and to execute the laws. To this end, it is armed with ample powers. Here is a guarantee to the slave States against all the hazards of a servile war, and also to the frontier States and settlements, against the dangers of Indian wars and incursions. Texas has, under this head, occasion to appeal to us for relief day by day.

3. On securing to us the blessings and benefits of a good, sound, stable currency, which is much affected, for good or evil, by the legislation of Congress. The heart of our currency is at our great commercial emporium, every throb of which occasions corresponding pulsations at the remotest extremities of the Republic.

4. On a just, wise, and equitable arrangement of our revenue system, so as to promote all branches of our national industry—agriculture, commerce, manufactures, and the mechanic arts. I do not stop to consider whether the system should be protective or otherwise; whether the duties should be specific or ad valorem, or whether the principles of the Tariff of 1842 should obtain, or those of 1846. The effect and operation of the one on the other will ever be general. If the system be good, the benefits will inure to all, though not perhaps to the same extent; and if bad, the evils will be coextensive with



the country, though the pressure may be greater at some points than at others. We cannot say to the good or evil of legislation in this regard, "hitherto shalt thou come, and no further."

5. On promoting the internal trade and intercourse of the country, by a proper system of harbor and river improvement.

6. Ditto the external trade, by facilitating access to our ports by means of light-houses, beacons and buoys, and the survey and exploration of our coast, to say nothing of improving our salt-water harbors.

7. On developing and maintaining our postal system, and making the same commensurate with the wants of the country.

8. On a wise administration of our public domain, so as to promote a rapid settlement of the new States, and extend requisite aid and encouragement to important works of public improvement and to educational and other beneficent objects.

9. On a faithful administration of justice by learned and able judges, and the execution of the laws by competent and faithful officers.

Who has ever heard of any distinction being made between free States and slave States under any of these heads of legislation or administration? Is there the slightest ground to apprehend that any such distinction will be attempted hereafter, or that it would succeed if attempted?

But, Mr. President, there are, I am sensible, many objects of local interest which are at all times before Congress, and require much consideration and a proper disposition at its hands. I have been acting on such questions ever since I have been in Congress, and have never been conscious of making the slightest difference between free States and slave States. I represent a constituency who seldom ask anything at the hands of this Government. During the ten or eleven years I have been in Congress, I have sought almost nothing for my State. Some two or three appropriations for harbor improvements are the sum of the whole matter. I recollect I obtained Mr. Polk's assent to one such improvement by putting it into a light-house bill. Black Rock harbor is highly important to our coasting trade as a harbor of refuge, and it was in danger of being destroyed by the action of the sea on the island constituting it; and finding a light-house bill travelling through the House, I moved an appropriation for the harbor in the name of saving the light-house on the island, and this succeeded. It was the only harbor improvement sanctioned by Mr. Polk during his whole administration.

Mr. FOOTE. I merely wish to inquire whether the honorable Senator intended to deceive the late President.

Mr. SMITH. I intended to put into the bill a highly beneficial provision, and one that the President ought to approve. It is a source of some satisfaction to me that I succeeded in snatching so much money from the gulf of the Mexican war. I got the money—the harbor (light-house and all) is saved—and I thank God for it.

But this is a departure from the subject under consideration. I repeat, I have been almost incessantly voting for local objects of every kind which appertained to other States and sections, and particularly to the people of the Northwest, West, and Southwest. I do not claim to be peculiar in this respect—almost the entire New England delegation have gone with me under the lead of our commander-in-chief, [Mr. WEBSTER,] though not our commander-in-chief on this bill. [Laughter.] I have not veered my course on any distinction between free States and slave States, between the Northwest and Southwest. I could bring a thousand illustrations of the truth of this remark. One will suffice. We had before us the other day a proposition to grant alternate sections of the public lands to aid in the construction of a railroad from Galena, via Chicago to Cairo, in Illinois, and from thence across the States of Kentucky, Tennessee, Mississippi, and Alabama, to Mobile in the latter State—a magnificent undertaking, and worthy of the nation and of the age in which we live. Did we (the men of the North) manifest a disposition to cut off the appropriation at Cairo? The idea that a large part of that road would run through slaveholding States did not even occur to me. I voted for it with the utmost cheerfulness, and I take a deep interest in its success in the House, where such measures have of late failed. Why, sir, I have been concerned in voting lands enough to various objects interesting to the people of those sections to sustain sufficient population to make a considerable nation. It is always with high satisfaction that I lend a helping hand to the new States, and none the less because they happen to be slave States. The struggle with which they open their existence is always exceedingly arduous, and they shall ever receive my sympathy and support. No reason, therefore, can be found in these local objects for the vain effort on the part of the South to maintain an equilibrium between the sections. The States of the West and Southwest have ever had, and will hereafter have, a just and liberal consideration in this regard.

But it is not uncommon to hear the men of the South say that though we have nothing to complain of in the past or the present, yet we fear, if the free States obtain a great ascendancy, Congress will interfere with or attempt to abolish slavery in the States. Nothing can be more wild or chimerical than such an idea. The professed abolitionists of the North utterly disclaim any such purpose. Even the fanatics of the Garrison school, who go for an abrogation of the Constitution and a subversion of the Government, do not pretend that any thing of the sort can be attempted, much less done, under the Constitution. But the slaveholding States have ample guaranties against aggressive and unconstitutional legislation in—

1. The improbability of obtaining a majority in either House, much less both, for any such measures.

2. The veto power with which the Executive is invested, and which the present Executive would exercise with the utmost alacrity, if the case called for it, though averse to its use, or rather abuse, as frequently, of late, by other Chief Magistrates.



3. The Judiciary, who will treat all unconstitutional laws as null and void. Is not the South safe with a majority of the Supreme Court from, and the residue by no means ill disposed towards, that section?

4. The political sway which they can ever exercise by joining any minority there may be from the free States—a sway which would not be the less efficacious, even though the number of slave States was considerably reduced. The South has a perfect bond of union in this great interest, and moving as one man, you will ever have the power of successful resistance.

5. The right of revolution—always a remedy when nothing else remains—too often adverted to in Congress—not to be thought of but in the last extremity.

The slave States are, then, safe without the extension of the institution into territories now free. They have no interest in demanding what is contrary to the principles of our Government and the spirit of the age in which we live.

I cannot dismiss this branch of the subject without adverting to the character and value of the slavery questions which have made so much disturbance in and out of Congress for a long time past. What was the importance of the controversies thence arising to the South, and to what extent were the true interest of her people involved? The issues were made up—

1. On the right to petition Congress on the subject of slavery, in cases which it was supposed on one hand, and denied on the other, fell within the jurisdiction of that body. To exclude the exercise of the asserted right, the celebrated 21st rule was adopted by the House (if I mistake not) at the 25th Congress, and about the same time a corresponding rule or practice obtained in this chamber, which has been enforced with more or less rigor to the present day. This rule occasioned in the House a heated dispute—renewed from time to time—in which the late Mr. Adams took a conspicuous part and much excitement and commotion throughout the free States. I found this controversy raging when I first entered the Hall in the fall of 1839, and it was continued with much acrimony through the 26th and 27th Congresses, greatly interrupting the public business, and sometimes producing scenes of disorder little creditable to our free institutions. I have seen Mr. Adams on his feet, presenting these petitions by hundreds, and insisting on his right to do so with his characteristic vehemence. I was at home during the 28th Congress, and the House had the good sense to set aside the rule. Then were realized the truth and accuracy of the predictions which I had often addressed to my Southern friends, that if they would only consent to receive the petitions very few would be presented. On returning to my seat at the opening of the 29th Congress, I found Mr. Adams in his seat, as quiet and inoffensive as a lamb. I heard nothing on the subject during the four succeeding years. Did the South suffer by the new policy? Have you been less secure in person or estate? Is there now any more danger of a servile war than formerly? The House has to this day enjoyed entire repose, so far as this fruitful cause of dissension is concerned. No doubt the 21st rule did infinite mischief. It never was of the slightest value or use to the South; and yet it would seem (listening, as I have often, to the vehement declamation of members from that section) as if the very salvation of the slave States depended on it. All well informed men admit, that had abolition petitions been received and quietly laid on the table, there never would have been one-fourth part of the agitation at the North that has since obtained.

2. On the expediency of abolishing the slave trade in the District of Columbia, which is deemed odious in most if not all the of slave States, and is very generally inhibited there. Why should not this traffic be put down in the District of Columbia? Why should Southern men endure here what they will not tolerate in their own States? The people of the District are utterly opposed to it, and earnestly desire its abrogation. I produce a petition signed by the Mayor of Washington and all the members of the city councils in this city some time since:

*“To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

*“The undersigned, members of the Board of Aldermen and Common Council of the city of Washington, having, in common with their fellow-citizens, long regarded with disapprobation the importation of slaves into the District of Columbia for purposes of sale or traffic elsewhere, and deeming it alike prejudicial to the interests of our city and offensive to public sentiment, request your honorable body to restrain such traffic by the enactment of some law similar in its provisions to that embraced in the code of laws for the District of Columbia, reported to the House of Representatives in the year 1832, by Mr. Wilde, of Georgia, and to the Senate by Mr. Chambers, of Maryland, the enactments in the adjoining States of Maryland or Virginia on this subject, or grant to the respective corporate authorities of Washington and Georgetown such powers as will enable them to remedy this evil.*

JNO. WILSON,

Vice President of the Board of Aldermen.

SILAS H. HILL,

President of the Common Council.

S. P. Franklin,	Jas. Adams,	W. H. Winter,	Samuel Stott,
B. B. French,	J. W. Jones,	Joseph Borrows,	J. T. Cappell,
John T. Towers,	Jas. Call,	Joseph Bryan,	Robert Clarke,
Wm. B. Scott,	Geo. H. Fulmer,	H. B. Sweeney,	Thomas Thornley,
Samuel Dewey,	F. Y. Naylor,	Wm. L. Dove,	John Johnston,
I. Mudd,	Samuel E. Douglass,	Jesse E. Dow,	G. W. Dove,
Samuel Byington,	Lewis Johnson,	N. Callan,	Richard Wallach.

*“I concur in the above application.*

W. W. SEATON.”

This petition was drawn up by a friend of mine at my instance, and, having been signed, was handed to me. I took it to the House, and put it into the hands of Major Gaines, of Kentucky, a member of the Committee for the District of Columbia, who presented it to the body; it was referred, and in due season a bill was reported in conformity to the prayer thereof, (two members from the slave States, to wit, Major Gaines and Gov. Brown, from Mississippi, concurring,) which failed, as



I believe, solely for want of time. It seems to me that this subject should create no irritation at the South; on the contrary, that the members from that section should come forward as one man, and co-operate to relieve the country from this reproach. I am right glad the Select Committee of Thirteen recognise the importance of this duty.

3. On the abolition of slavery itself in this District. Many petitions have been presented seeking this object since I have been in Congress; but I have no recollection that any northern member has seriously entertained the project until the last session of the 30th Congress, when Mr. Palfrey, of Massachusetts, asked leave to bring in a bill to that end, which was refused. Both the honorable Senator from New York, (Mr. SEWARD,) and the honorable Senator from New Hampshire, (Mr. HALE,) declared themselves the other day in favor of abolition in this District, but neither of them informed the Senate what the measure must be to command their support; whether immediate abolition without compensation, or abolition with that principle, and with the assent of owners, or a measure applicable only to the *post nati*; which last was the method adopted in New England. I never have been able to see how either of the last methods could justly give offence to the South, because both acknowledge the right of property; but as to immediate abolition without the consent of the owners, and without compensation, I was early taught by Mr. Adams that it was inadmissible. I quote from a speech of his in the House of Representatives, 27th Congress:

"He said, further, this was no new thing to this House and this country. He had now been ten years successively a Representative of a portion of the people of the Commonwealth of Massachusetts, and, within the very first week of his holding a seat in this House, he had presented fifteen petitions for the abolition of slavery in the District of Columbia; and at that time he gave notice to the House, the petitioners, and the whole country, and his constituents among them, that if they sent their petitions to him to be presented because they expected him to support them, they must understand from him that they were mistaken. This was not an irresponsible act of his; for in his district at that time there were perhaps more Abolitionists than now. It was not then so odious a thing to be an Abolitionist. The inhabitants of his district had presented petitions for that same prayer, which were referred to a committee, and a most respectable report made upon them. He had repeated that same sentiment time after time in this House, and he repeated it now. He said if a bill were to be brought into this House for the abolition of slavery in the District of Columbia to-morrow, he would vote against it."—(Congressional Globe, 2d session 27th Congress, p. 202.)

The remark made by Mr. Adams, in the House, "within the very first week" after he took his seat, may be found in Gales & Seaton's Register of Debates, vol. 8, part v, p. 1426, when, on occasion of presenting some petitions for the abolition of the slave trade and slavery itself in this District, he is reported to have said:

"As to the other prayer of the petitioners—the abolition by Congress of slavery in the District of Columbia—it had occurred to him that the petition might have been committed to his charge under an expectation that it would receive his countenance and support. He deemed it his duty, therefore, to declare that it would not. Whatever might be his opinion of slavery in the abstract, or of slavery in the District of Columbia, it was a subject which he hoped would not be discussed in that House. If it should, he might perhaps assign the reasons why he could give it no countenance or support at present. He would only say to the House, and to the worthy citizens who had committed their petitions to his charge, that *the most salutary medicines unduly administered were the most deadly poisons.*"

It is very obvious that the only effect of entertaining a bill here for such a purpose, with a prospect of its passing, would be to transfer every slave in the District to Alexandria, and from thence to the cotton and rice fields and sugar plantations of the South. They would be taken from their quiet and desirable homes in this city, where they are comparatively happy and contented, and husbands would or might be separated from wives, and children from parents. Not one of them would be liberated; their fate would be cruel indeed. This is what I understand Mr. Adams to have meant when he said, "that the most salutary medicines when unduly administered were the most deadly poisons." I now give notice that, should any such bill make its appearance here, I shall move to amend its title so as to make it read, "An act to give activity and vigor to the domestic slave trade." The "abolition of slavery in the District of Columbia" will not express its true effect and meaning. The remarks of Mr. Adams, last quoted, were made on the 12th of December, 1832; they suggested the rule of conduct which Northern men, with few exceptions, have followed from that day to this. How slight, then, are the dangers to the South from this cause, and how groundless the excitement which designing men in that section have long been fostering in this connexion! What if a few thousand citizens have from time to time petitioned Congress? As long as Northern Senators and Northern members do not move in the matter, where is the harm?

I am sensible that the annexation of Texas is extensively regarded at the North as a prolific source of evil; I concur in that view, but do not agree with those who charge the responsibility exclusively on the South. It is true that Southern statesmen—the then President, (Mr. Tyler,) two Secretaries of State, (Messrs. Calhoun and Upshur,) and the late Secretary of the Treasury, (Mr. Walker,)—took the lead in, or rather originated, the movement, doubtless to enhance the political power of the South; but many of the wisest and best men of that section resisted it to the utmost. The patriotic States of Delaware, Maryland, North Carolina, Kentucky, and Tennessee went against it by casting, in the fall of 1844, their electoral votes (in all 46) in favor of Mr. Clay for the presidency, and against annexation. The truth is, that the measure was a great party issue; and if any one desires to find the guilt of the transaction, he must search the skirts of the entire Democracy. The free States gave 94 electoral votes for Mr. Polk and annexation, and incurred their full share of the blame.

While the principles involved in some of these questions were important, one cannot help being struck with their utter insignificance in a practical point of view, and with the trivial character of the causes which have occasioned so much disturbance in Congress, and so much bitterness and alienation



among the people. The idea of any considerable aggression by the free States on the just pretensions and rights of the slave States is absurd and chimerical to the last degree.

But if I am wrong in the views which I have presented, to show that it is not important to the South to maintain in this chamber that equilibrium which has been already lost irretrievable in the House of Representatives and in the electoral colleges, the question arises whether it is not morally certain that our recently acquired Territories will be free, whatever Congress may do on the subject.

1. It is a significant fact, that so far as the only region is concerned into which slavery could be introduced with advantage, the question has already been settled against it. I refer to so much of our new possessions as are included within the limits of the proposed State of California. No matter whether California be or be not admitted now, or whether she be or be not remanded to a territorial condition, there has been such a development of public sentiment there as to render the exclusion of the institution inevitable.

The result in California is exactly what it would be in ninety-nine times out of a hundred, in case of the acquisition of gold-producing regions by the United States. Free labor, whether from the free States or slave States, is always more prompt and energetic than slave labor: the former will ever get into such countries first, and then will exclude the latter.

The only effect of dividing California by the parallel of 36 degrees 30 minutes would be to make two free States on the Pacific in place of one. The idea of making a free State below that parallel, with the free State of California on the north, with the right of recapturing "fugitives from labor," and with the free Mexican States of Lower California and Sonora on the south, without any such right, will be found illusory. The policy of the States this side of the Rocky Mountains should be to make as few States as possible out of our new possessions; and I shall not depart from that policy, though I feel perfectly assured that they will all be free States.

2. I will next proceed to consider whether there is any danger of the introduction of slavery into New Mexico and Deseret, or Utah, as it is called in this bill. Is it probable that either the one or the other will become the theatre of slave labor? I will begin with New Mexico. And here I observe that the obstacles to the introduction of the institution into that country are—1, legal; 2, social; and, 3, physical.

I will, in the first place, advert to the legal difficulties; and under this head I remark—

1. That slavery had been abrogated in New Mexico before the cession to the United States by the late treaty. On this point I refer to an exposition addressed to the Senate by the honorable Senator from Missouri (Mr. BENTON) early in the present session, which, in my judgment, is full and conclusive. The inhibition, no doubt, continues to this day, as one of those municipal regulations which remain in force notwithstanding the conquest.

2. If the ordinances and laws of Mexico abrogating slavery do not continue, yet it may be assumed that *there is no law authorizing it*; and this is just as serious an obstacle to its introduction as a positive law forbidding it. Being against common right, no law for it is as efficacious as ever so much law against it. Such are the principles of jurisprudence throughout the civilized world.

3. At any rate, the right to carry slaves into New Mexico, and to hold them there, is in doubt; and this will be a serious barrier against its introduction. I know of nothing so sensitive of danger as slave property, or so timorous, in face of legal doubt and difficulty. Who will think of taking this species of property from under the guaranties which the well considered and thoroughly matured code of a slaveholding State has thrown around it, into the interior of this continent, when the owner will have no assurance that he can hold it for a single hour? The certainty of litigation, and the uncertainty of the event, will be sufficient to deter him.

In the next place, I will speak of the social difficulties in the way of the introduction of slavery into New Mexico. And here I observe—

1. It is understood that public sentiment, without distinction of race or color, is utterly opposed to it. The American, whether from the free States or slave States, the Spaniard of the full blood, and the mixed Spaniard and Indian race, are all alike opposed to negro bondage.

2. The prejudice of color does not exist in New Mexico. This prejudice is the principal bulwark and safeguard of slavery. The negro laborer would find himself on a footing of equality with the white, Indian, or mixed laborer—just as respectable in every regard; and how could he be held in bondage under such circumstances?

3. Slave labor could not, it is believed, be advantageously used in competition with the cheap peon labor of New Mexico. Peon labor is cheap in wages, and cheaper in subsistence. The wages are only four dollars per month, and subsistence but twenty-four pounds of maize, or Indian corn, per week. This is not even ground or converted into meal, and the peon tastes scarcely one morsel of meat from the beginning to the end of the year. If, therefore, any slaveholder had occasion to go to New Mexico, to embark in agricultural or other business, he would find it greatly to his advantage to sell his slaves, and to employ the native labor of that country.

4. The slave would be sure to receive the countenance and sympathy of the people of New Mexico, and of the savages who infest the surrounding mountains; and the facilities of escape into those recesses and into the adjoining territories of Mexico would be so great, and the encouragement to flee, and the protection after fleeing so certain, as to render such property valueless. Some time since three highly respectable gentlemen from Santa Fé—Messrs. William Curtis Skinner, James L. Collins, and Henry Connelly—visited this city, and I had a full and highly satisfactory conversation with them, touching the state of things in that country, in reference to the question which I am now considering. At my instance they addressed to me a letter on the subject, dated May 18, from which I submit the following extract:

"The greatest danger, in our opinion, to the security of slaves in New Mexico lies in the proximity to the settlements of the many tribes of Indians, with whom they could at all times find a refuge, se-



curing to the fugitive every chance against his recapture. Upon the western border of our territory is the large and powerful tribe of Navajoes—a nation living in towns and villages far removed from civilized life, but with facilities of access which would present strong temptation to the slave panting for freedom and relief from oppression. The known sympathy of the Indian for a fugitive slave would secure him every protection at their hands which he could desire. Experience has shown, in the Seminole war, how infinitely more dangerous—*more savage*—is an escaped negro, than the worst of an Indian tribe.

“New Mexico has within her borders a great number of ‘pueblos’ or towns settled exclusively by civilized Indians; and the middle and lower classes of our Mexican population, entertaining none of the prejudices against the color of the negro, but every sympathy for his condition as a bondman, would be found offering every facility to his escape from servitude. Again the southern portion—and this is the part, if any, where slave labor ever could be profitable—of our territory borders upon that of the Republic of Mexico: a narrow stream, fordable at almost every point, presenting no obstacle to the escape of a slave to a country where he would be as free as in the land of his forefathers, and far more secure from recapture. A Mexican has no sympathy with slavery—the idea is full of repugnance to him, and his every feeling would be enlisted to give the bondman freedom.”

5. But to make New Mexico a slave State, it is necessary that something more should be done than a few slaveholders removing there: they must go there in sufficient numbers to change public sentiment, and to overcome at the polls the repugnance of the non-slaveholding emigrants from the United States, and the native inhabitants of the country for the institution. The gentlemen already named in the same letter remark:

“Public sentiment in New Mexico is against the introduction of slavery there; and in this there is, we believe, no distinction between the native and the American population. We do not remember ever to have heard a single American express himself favorable to the introduction of slavery among us. We believe no difference of opinion on this subject is found among Americans, natives of slave or free States. When the time may arrive for the formation of a constitution, preparatory to our admission into the Union, there is not the *remotest* probability that any constitutional sanction would be given by our citizens to the introduction of African slavery among us.”

I now come to the physical obstacles to the introduction of slavery into New Mexico. Can slave labor be profitable there? Does the country, in its geographical position, soil, climate, natural and artificial products, and resources of every kind, hold out any such inducements as will be likely to fix on those regions the evils of slavery? No man will carry slaves into these remote regions on a mere theory. He will not amuse himself with asserting a principle, or what is called such, at the hazard, or rather certainty, of soon finding the bottom of a long purse. Everything of this sort must be brought to the test of the accounts—to the old fashioned, and sometimes disagreeable, ordeal of “profit and loss.”

To enable us to reach a satisfactory solution of the inquiry which I have instituted, it is necessary to consider—

1. The geographical position and relations of New Mexico.

In a letter, dated December 18, 1847, addressed to me by Lieutenant Peck, of the corps of topographical engineers, (who was concerned with Lieutenant Abert, of the same corps, in making a reconnaissance or examination of that country in the years 1846-'47,) and which I published in a speech delivered by me in the House, March 1, 1848, that gentleman remarks:

“With respect to the connexion of New Mexico with other parts of the continent: 1st. The nearest settlements to the west are those on the Pacific, distant six hundred or seven hundred miles, and separated by a desert, with reference to which Kit Carson remarked, ‘that any party crossing it was bound to eat mule.’ 2d. The town of Chihuahua is distant from the most southern settlement of New Mexico 420 miles, and most of the intervening country is desert. The traders are usually from thirty to forty days transporting loads from Santa Fé to Chihuahua. 3d. To the east, the nearest settlements at present are on our own western border—the distance from Fort Leavenworth being 873 miles, via Bent’s fort. In course of time our western settlements may be extended some two hundred or three hundred miles westward, to the eastern borders of the great desert; still there will be over five hundred miles of portage. Thus we may consider New Mexico as completely isolated from the rest of the continent.”

Mr. Gregg, in his *Commerce of the Prairies*, (p. 187,) speaking of the same subject, says:

“New Mexico possesses but few of those natural advantages which are necessary to anything like a rapid progress in civilization. Though bounded north and east by the territory of the United States, south by that of Texas and Chihuahua, and west by Upper California, it is surrounded by chains of mountains and prairie wilds, extending to the distance of five hundred miles or more, except in the direction of Chihuahua, from which its settlements are separated by an unpeopled desert of nearly two hundred miles, and without a single means of communication by water with any other part of the world.”

Mr. Gregg is mistaken in the assertion that Chihuahua is separated from New Mexico “by an unpeopled desert of nearly two hundred miles.” There is that extent of desert, and more, too, between Santa Fé and Chihuahua, but it is broken into three parts, one above El Paso, called “Jornado del Muerto,” and two below that point, with intermediate settlements, particularly on the Rio Grande.

3. The surface and soil of New Mexico, and the extent to which it is susceptible of cultivation: The whole expanse comprised within the province is very large, and is believed to be about one hundred and fifty thousand square miles. The only parts which are susceptible of cultivation are to be found in the southwest corner of the Territory, containing not exceeding twenty-five thousand square miles, which are divided unequally by the Rio Grande running across the region now indicated from north to south, and towards the western border. It is exceedingly mountainous, and the country rises very rapidly from the river in both directions. Lieutenant Peck, in the letter above referred to, says that “a large portion of this area” is made up of rocks, sands, and desert wastes. If you cast your



eye on the map, you will see from the position of the towns where the arable land is found. A narrow strip along the Del Norte, with a few detached patches here and there upon the affluents of the same river, constitutes it all; for there is very little land not already improved that is worth occupying.

3. Climate and aridity—necessity of irrigation.—“The general character of this department,” (says Mr. Ruxton, p. 191)—

“Is extreme aridity of soil, and the consequent deficiency of water, which must ever prevent its being thickly settled. The valley of the Del Norte is fertile, but of very limited extent, and the other portion of the province is utterly valueless in an agricultural point of view.”

Humboldt (in his *New Spain*, vol. 2, p. 263) says:

“The whole of this country is, in general, of an alarming state of aridity; for the mountains De los Mansos, situated to the east of the road from Durango to Santa Fé, do not give rise to a single brook. Notwithstanding the mildness of the climate, and the progress of industry, a great part of this country will never admit of any considerable population.”

Lieutenant Peck, in the same letter, says:

“The want of water (for every crop must be watered artificially) will fix a limit, and that a very narrow one, to the tillable land. For example, on the western side of the Rio del Norte, you will notice that the little settlements are all at the heads of the streams and in the mountain valleys; lower down, though the courses of streams are marked, they never contain any water, except during freshets; all is absorbed by the deep sands.”

The same officer, in speaking of the valley in which Taos is situated, (Abert's Rep., Ex. Doc., 30th Cong., 1st ses., No. 41, p. 450,) says:

“It may be eight or ten miles from east to west, and seven or eight miles in width from north to south, embracing about 60 square miles. Only a small portion of this is under cultivation, or, indeed, ever can be, as no rain falls here except during the wet season. It is necessary to irrigate all the cultivated land, and the small supply of water fixes a limit, and that a very narrow one, to all the tillable land.”

Mr. Gregg, in his *Commerce of the Prairies*, (page 150,) says:

“The necessity of irrigation has confined, and no doubt will continue to confine, agriculture principally to the valleys of the constantly flowing streams. In some places the crops are frequently cut short by the drying up of the streams.”

4. The number, extent, and value of its streams. Mr. Gregg, in the work already quoted, (pp. 138, 140,) says:

“There is not a single navigable stream in New Mexico. The famous Rio del Norte is so shallow for the most part of the year, that Indian canoes can scarcely float upon it. Its navigation is also obstructed by frequent shoals for more than one thousand miles below Santa Fé.

“Notwithstanding the numerous tributary streams which would be supposed to pour their contents into the Rio del Norte, very few reach their destination before they are completely exhausted. Rio Puerco, so called from the extreme muddiness of its waters, would seem to form an exception to the rule. Yet this also, although at least a hundred miles in length, is dry at the mouth for a portion of the year. The creek of Santa Fe itself, though a bold and dashing rivulet in the immediate vicinity of the mountains, sinks into insignificance, and is frequently lost altogether, before it reaches the main river. \* \* \* Pecos and Choncos may be considered the first constant-flowing inlets which the Rio del Norte receives from Santa Fe south—say for the distance of five hundred miles. It is, then, no wonder that this great river of the north decreases in volume of water as it descends. In fact, above the region of tide water, it is almost every where fordable during most of the year, being seldom ever knee deep, except at the time of freshets.”

Lieutenant (now Colonel) Emory, in his report, (Ex. Doc., 30th Cong., 1st sess., No. 41, p. 46,) says:

“We crossed the Rio Grande del Norte at Albuquerque. Its width was about 25 yards, and its deepest part just up to the hubs of the wheels. It is low at present, but at no time, as we learned, is its rise excessive—scarcely exceeding one or two feet.”

The same officer, in the report already referred to, (p. 461,) says:

“In many places, the waters [of the Rio Galisteo] are absorbed by the sandy soil over which they have to flow; but water is always found by following up the bed of the stream.”

The same, at page 466:

“We now bore due west, and at four o'clock reached the Puerco. After a strict search up and down the river for several miles, we formed our camp near a little pool of water, the only one we could find.

“We had been travelling all day, [on the west side of the Rio Grande, near the sources of the Puerco,] and at length night began to draw on apace. We had not yet found any water, and at last, just as our plight seemed most hopeless, we caught sight of some distant mountains, that from their course we concluded must bound a large valley that without doubt contained a stream. \* \* \* At last we reached an impassable “arroyo,” the banks of which were perpendicular, and about thirty feet above the stream. The men sprang in, and hunted some distance up and down the “arroyo,” but there was no water. We could go no further, and were forced to camp here. \* \* \* As the valley around seemed destitute of grass, we let our mules run here, and tried to make our supper, but you may be sure it was a very dry one. \* \* \* We had been travelling since five this morning, without food, without one drop of water, and had marched about twenty-five miles.” \* \* \*

The same, page 475:

On looking at the map, the Rio Puerco appears to be quite a formidable stream. A river 140 miles



long, with a valley of seven or eight miles wide, through which it flows, would lead one to think that here is a fine country for pasturage, and a plenty of water. Not so; for we are now but about forty-eight miles above its mouth, and there is no water, and the valley, deep with sand, only nourishes artemisia, yucca, and cacti."

The same, page 474:

"Rito had been deserted by the inhabitants some years since, because those people who lived higher up on the "arroyo de Rito" cut off all the waters of the creek in seasons when they wanted to irrigate their lands, thus depriving the people of Rito of it when needed most, at the same season, for the same purpose."

The same, page 463:

"The Jemez valley is very sandy; the bed of the stream, three-quarters of a mile in width, contains in many places no water, and when found it is of a dark red color."

Mr. Gregg, in his "Commerce of the Prairies," (page 157,) says:

"A still more powerful cause operating against this [the cultivation of tobacco] as well as every other branch of agriculture in New Mexico, is the utter want of navigable streams as a cheap and convenient means of transportation to distant markets."

Many more extracts of the same character might be added; but these are sufficient to illustrate the inadequateness of the rivers and streams of New Mexico even for the purpose of irrigation, and much more for navigation and other uses of civilized life.

5. Timber and hard wood: New Mexico destitute of both.

Mr. Kendall, in his "Narrative," (page 395,) says:

"From the time we first struck the valley of this stream, (the Rio Grande,) after leaving the mountain in the neighborhood of Santa Fe, to that when we reached the Paso del Norte, but little timber was seen, and that was composed exclusively of cotton wood. The inhabitants are saving of this timber: though it is exceedingly soft and brittle, yet, as they can obtain no other for the construction of their rude carts, its uses to them are invaluable. Sometimes we would journey for days, hardly seeing a tree to each mile we travelled."

Mr. Gregg, in his "Commerce of the Prairies," (page 178,) says:

"There is little timber in New Mexico, except in the mountains and along the water courses; the table plains are generally all open prairie. The first growth, moreover, of all the north of Mexico, presents quite a limited variety of timber, among which the common pitch pine most predominates. \* \* \* On the water courses there is little timber to be found except cotton wood, scantily scattered along their banks. Those of the Rio del Norte are now nearly bare throughout the whole range of the settlements, and the inhabitants are forced to resort to the distant mountains for most of their fuel."

Lieutenant Abert, in his report, (page 475,) says:

"Hard wood cannot be obtained in the whole of New Mexico. The country around us seemed to produce no wood except cedar."

Again, (page 476:)

"On the ridge we collected enough wood to last a couple of days; for no wood is to be obtained in less than nine or ten miles of Albuquerque, where we should stay a couple of days, as it was absolutely necessary our mules should have some rest."

What must a country be which is so entirely destitute of such important elements as wood and timber? And how valuable as the theatre of slave or any other kind of labor, let the people of the States on the Atlantic coast and in the Mississippi valley answer.

6. Its artificial products. Mr. Kendall, in his "Narrative," (p. 365,) says that—

"The valley [of the Rio Grande] is generally fertile, well adapted to the growth of corn, wheat, beans, and pumpkins. Not a potato, either sweet or Irish, did we see, although the latter in particular would attain great perfection. Under Anglo-Saxon cultivation, this region might support five times the population it now contains. Still, the want of timber and the immense distance to market will always present obstacles to emigration in that direction."

Lieutenant Emory, in his report, (p. 39,) says "the soil" of the above named valley "is very sandy, and is better adapted to Indian corn than wheat."

On the other hand, Mr. Gregg says, in his work, (p. 186:)

"Wheat has been produced of a superlative quality, and of such abundance that, as is asserted, the crops have often yielded over a hundred fold. I would not have it understood, however, that this is a fair sample of New Mexican soil, though, in point of fact, many of the bottoms are of a very fertile character. The uplands must chiefly remain unproductive, owing in part to the sterility of the soil, but as much no doubt to the want of irrigation—since nearly all the farms and settlements are located in those valleys, which may be watered by some constantly flowing stream."

Lieut. Peck says (Abert's Rep., p. 457:)

"In point of soil, the valley of Taos compares favorably with other portions of New Mexico; and, though snow is to be seen in every month of the year on the neighboring mountains, wheat and corn ripen very well on the plains. These last are the staple productions of the country; though beans, pumpkins, melons, and red pepper are raised to some extent."

It thus appears that cotton, sugar, and rice, the usual products of slave labor, are not, and it is believed cannot, be raised in New Mexico. Will slaveholders abandon these sources of wealth in the



present slave States to devote themselves and the labor of their people to the production of wheat, corn, beans, pumpkins, melons, and red pepper, amidst the Rocky Mountains?

7. The natural products or resources of New Mexico. These are pasturage and mines. With respect to the former, Lieut. Peck, (Abert's Rep., p. 450,) speaking of the country about Taos, says:

"The hills are covered with very good grass, which furnishes subsistence to herds of cattle and horses, as well as to fine flocks of sheep and goats. In these lie the principal wealth of the inhabitants."

Mr. Gregg, in his "Commerce of the Prairies, (p. 160,) says:

"By far the most important of the indigenous products of the soil of New Mexico is its pasturage. Most of the high table lands afford the finest grazing in the world; while for want of water they are utterly useless for most other purposes. That scanty moisture which suffices to bring forth the natural vegetation is insufficient for agricultural production, without the aid of irrigation. \* \* \* \* The gramma being rarely nipped by the frost until the rains are over, it cures upon the ground, and remains excellent hay—equal, if not superior, to that which is cut and stacked from our western prairies. Although the winters are rigorous, the feeding of stock is almost unknown in New Mexico. Nevertheless, the extensive herds of the country, not only of cattle and sheep, but of mules and horses, generally maintain themselves in excellent condition upon the dry pasturage alone through the cold season, and until the rains start up the green grass the following summer."

Pasturage is, in fact, the principal source of wealth to New Mexico, but it has of late been greatly impaired and almost destroyed by the incursions of the savages of the surrounding country. If these can be restrained, and property and life protected as they should be at any cost, by the strong arm of the Government, no doubt the business of horse, mule, cattle, and sheep raising can be pursued there to great advantage. But wool-growing is no object, on account of the low price of wool. Lieutenant Abert says in his report, p. 452:

"Wool is not considered very valuable, and can be bought for four cents a fleece, or a proprietor will permit any one to shear his sheep for one dollar per hundred."

Sheep, therefore, are raised in New Mexico merely for the sake of mutton, and this is understood to be the best in the world. Stock of every kind is taken into Mexico and sold at remunerating prices. No doubt, then, this kind of business may become a capital object. But can slave labor be employed therein? If any slaveholder were to make up his mind to remove to that country to undertake this pursuit, would he take his slaves with him, or would he employ the cheap labor of the country? In the first place, I have to say that the business requires very few hands. One half-dozen pastores or shepherds would be adequate to take care of thousands of horses, mules, cattle, or sheep. There is no grass to be cut, cured, and housed, and no fodder to be dealt out in the winter season. Probably one or two thousand pastores would be sufficient for the whole country. Not many slave owners would remove to New Mexico with a view to this pursuit; and they would be completely within the power of the present inhabitants, who are so utterly averse to the institution.

Besides, this species of property would be quite insecure, particularly when thus employed. Would any owner dare to send his slaves on to "the high table lands" of that country, in charge of his flocks? If he did, how long would they remain in bondage? If he were to convert them into pastores or shepherds, and were to put a crook into the hands of each to rule his flock, he would soon discover the necessity of employing another set of shepherds to watch the watchers, and to prevent their running away. This ancient implement of pastoral life, would be found exercising dominion not only over quadrupeds but bipeds, and though it might sometimes be used to seize a lamb by the neck, it would probably be much oftener required to fasten on a negro's leg; otherwise he would make off to parts unknown. The idea of employing slaves in this business is too visionary to merit serious notice.

I am sensible that mines are among the natural resources of New Mexico, and that it is extensively believed at the South that slave labor could be employed, and to great advantage, in their development and improvement. But I have to observe, in the first place, that we have no evidence that they are of any considerable value, or rather the evidence is all the other way. Mr. Gregg, in his "Commerce of the Prairies," page 395, says:

"The gold regions are, for the most part, a kind of common property, and have been wrought chiefly by an indigent class of people, known familiarly as Gumbecinos—a name applied to petty miners who work on their own hook. Among these one very seldom finds any foreigners; for, according to the present simple method of working, the profit is too small and too precarious to entice the independent American laborer, who is seldom willing to work for less than a dollar, clear of all expenses, whilst the Mexican Gumbecino is content with two or three reals, most of which is required to furnish him with food. Therefore, these poor miners have a miserable life after all. When short of means, they often support themselves on one real each a day; their usual food consisting of a kind of coarse cake sugar, called pelencillo, to which is sometimes added a little crude ranchero cheese; yet they seem perfectly satisfied."

Mr. Ruxton, at page 191-'2, says:

"Of the many so-called mines of New Mexico, there is but one which has in any degree repaid the labor of working. This is El Real de Dolores, more commonly known as El Placer, situated about eight leagues from Santa Fe, on the ridge of Sierra Obscura. The gold is mostly found in what is technically called dust, in very small quantities, and with considerable labor. It has perhaps produced, since its discovery in 1828, two hundred thousand dollars; but it is very doubtful whether any of these placers would repay the working on a large scale."

Lieut. Abert, in his report, page 451, in speaking of the Gumbecinos, says:

"One can but feel pity for these miserable wretches, and congratulate himself that he does not possess a gold mine. Even the life of the poor pastores is much preferable to that of these diggers of gold."

And then he adds, (page 452:)



"The value of these mines cannot be very well estimated now, as there have been many improvements in the methods of making gold, which, when adopted at these mines, may produce a great increase in their annual yield. At present none of the owners of these gold mines have ever become wealthy by their mining operations, and I have met several who have sunk all they had in searching for gold."

Without undertaking to place an estimate, even in a general way, on the value of these mines, I would observe, it is not at all probable that any one will undertake to improve them, so long as those of California are open, and are so much more productive. Will mines be worked which can afford wages at only three reals (37 cents) per day, when, in California, an able-bodied man can command eight or ten dollars per day? Wages are the true measure of profits.

But, if the fact be otherwise, is it likely that any one would think of employing slaves in this business? Would not the legal and social difficulties already adverted to constitute insuperable barriers? Would not the Gumbecinos be employed in preference, who are so cheaply compensated and subsisted?

How, then, can New Mexico become the theatre of slave labor? Besides the non-adaptation of its soil and climate to the production of cotton, sugar, and rice, the mere cost of transportation would exclude their cultivation. It appears by Lieutenant Abert's report, page 499, that freight from Santa Fé to the navigable waters of the Missouri costs \$9 per hundred! So that, to get these articles to market would cost all, if not more than, they could command in market. The want of navigable rivers and other means of cheap transportation must limit production to the consumption of the country, excepting only live stock, where nature herself furnishes cheap means of access to distant markets. The distance to the Missouri river is over eight hundred miles; to the nearest port on the gulf, (in Texas,) about one thousand miles; and to Chihuahua, (the nearest market in Mexico,) as we have already seen, four hundred and twenty miles; and that, too, over about two hundred miles of desert! Taking into view, then, all the circumstances of the case, let the South go to New Mexico with her slaves if she can. I want no higher guaranty against the introduction of the evil than such as the facts of the case afford.

The following statement by Lieutenant Abert, (p. 482,) in regard to the condition of the people in New Mexico in point of education, will, I presume, be highly satisfactory to the Senate:

"I have been surprised by the many men and children of the lower class who both read and write: in fact, all we questioned seemed to be educated thus far; but they have no books. I only recollect to have seen a Roman Catholic Catechism at Pakellas. Many of the sons of the Recos are well educated. We saw several who had been at Union College, St. Louis. They speak French and English, and understand their own language grammatically."

No doubt a people who have made so much progress will soon become qualified to assume all the responsibilities and discharge all the duties of American citizens.

I now come to Deseret, or, as it is called in this bill, Utah; and here the obstacles in the way of slavery are even more serious. By the constitution submitted to us by the people of that country, there is included within her limits all that part of Upper California which is situated east of the proposed State of that name, and even the southern portion of the State itself. But the committee have restricted Deseret or Utah to "all that part of the territory of the United States included within the following limits, to wit: bounded on the west by the State of California, on the north by the Territory of Oregon, on the east and south by the dividing ridge which separates the waters flowing into the Great Basin from those flowing into the Colorado river and the Gulf of California," throwing into New Mexico, as I think very unadvisedly, the residue of the territory lying east of the State of California.

With respect to such residue, I would observe that the remarks which I have already made in regard to New Mexico proper are in the general applicable. I shall, therefore, on the present occasion, speak of Deseret or Utah as it is described in the bill.

The interior of the Great Basin is wholly incapable of being inhabited, unless a few oases be an exception; has no tree or shrub larger than the wild sage, and no animal more considerable than the rabbit. Colonel Frémont, speaking of this basin and its wretched inhabitants, says:

"The rabbit is the largest animal known in this desert; its flesh affords a little meat, and their bag-like covering is made of its skins. The wild sage is their only wood, and here it is of extraordinary size, sometimes a foot in diameter, and six or eight feet high. It serves for fuel, for building material, for shelter to the rabbits, and for some sort of covering for the feet and legs in cold weather."

The only portion of the basin known to be of much value are the valleys and the recesses in the surrounding mountains; as to which I observe that all the valleys within the rim of the northern part are above the parallel of 42 deg., and consequently are in Oregon. The valleys within the western rim are included in the New State of California, and properly so, as their most feasible communications are with the country on the Pacific. Nothing is known of valleys in the southern part of the rim; the country is understood to be high and broken, but not mountainous, and is quite destitute of water, and consequently in a great degree uninhabitable. The valleys within and without the eastern rim of this basin, usually called Deseret, constitute the only portion of these desolate regions that can be made the abode of civilized man.

And here I wish to call the particular attention of the Senate to the objectionable character of the limits proposed by this bill for Deseret or Utah. Why sweep round the rim of the Great Basin, and separate the valleys within the rim from those without? The bill will in part mutilate the Mormon settlements, and expose the people there to great inconvenience. If eastern California must be divided, it should be by a parallel of latitude, and not by such an uncertain and difficult boundary as "the dividing ridge separating the waters flowing into the Great Basin from the waters flowing into the Colorado river and the Gulf of California."

With a view to bring before the Senate such facts as are essential to a just opinion on the question



under consideration, I here submit to the Senate a statement (in the form of a letter addressed to myself) by John M. Bernhisel, M. D., containing many interesting and importing details. Dr. Bernhisel is the agent of the people of Deseret, and has been in attendance during the whole of the present session. He is a native of the city of New York, a gentleman of respectability and intelligence, and worthy of all confidence. His letter is as follows:

“ WASHINGTON CITY, June 18, 1850.

“ SIR : I have received the interrogatories in relation to Deseret, contained in your communication of yesterday, and shall proceed at once to answer them.

“ In regard to the country on the Gila and Colorado rivers, I have no knowledge, except from information which is general and accessible to every one.

“ The Great Basin of which you inquire, it is believed is about five hundred miles long, east and west, by two hundred and seventy-five in breadth, north and south. Its boundaries are laid down in Fremont's map. It has never been fully explored; but, so far as it has been, a portion of it is found to consist of arid and sterile plains; another of undulating table lands, and a third of elevated mountains, a few of whose summits are capped with perpetual snow. Some portions of the Basin abound in rich and nutritious grasses. There are within its limits many streams and lakes, and of the latter the most remarkable is the Great Salt Lake, which is about seventy miles in length; and thirty to thirty-five in breadth. Its waters are a saturated solution of muriate of soda, or common salt. Indeed, they contain more salt than they are capable of holding in solution; and, when low, considerable quantities of it are precipitated to the bottom of the lake, or rather are there crystallized. No living creature can exist in this lake. A striking feature in the topography of this region is, that none of the streams or lakes have any visible outlet either to the Atlantic or Pacific ocean. The sources of the Colorado are in the Rocky Mountains, lying in Oregon and New Mexico, and the country in their vicinity is unfit for cultivation.

“ You desire my opinion as to whether the whole of California belonging to the United States, outside of the limits of the proposed State of that name, ought to be united under the same government, or whether it would be convenient to separate the country situated on the tributaries of the Colorado from that of the Great Basin. In my humble opinion, the country exclusive of the State of California should be united under one government, and I think it would be extremely injudicious to separate the country watered by the tributaries of the Colorado from that of the Great Basin, since the two are adjacent, and the access is easy from one to the other. The people inhabiting the former can never have convenient access to Santa Fé; for lofty ranges of mountains intervene between them and the Santa Fé country. The distance from the Green river country to Santa Fé is about eleven hundred miles, and the route to be pursued is by the way of the South Pass and Fort Laramie; whereas the route from the same country to Great Salt Lake city is only some one hundred and twenty to one hundred and thirty miles.

“ You inquire what portions of these countries are inhabitable, and ask me to specify the valleys, distinguishing those within the rim of the Great Basin and those on the rivers, which united constitute the Colorado. I am clearly of the opinion that no portion of that vast extent of country between the Great Basin and the Rocky Mountains is inhabitable, excepting the valley of the Uintah, and perhaps that of Green river. The valleys known in the Great Basin are Great Salt Lake valley, Bear river valley, Utah valley, Yoab valley, South valley, Sevier valley, and Sand Pitch valley. The Great Salt Lake valley, which is much the largest, is about one hundred and fifteen to one hundred and twenty miles long, and from twenty to forty broad, but the Salt Lake occupies the greater part of the northern portion of it. The surface of the centre of the valley is level, but ascends gently on either side towards the mountains. There is in the immediate vicinity of the city, bearing the name of this lake, a warm saline mineral spring, issuing from the base of a mountain, the temperature of which is 108 degrees of Fahrenheit. Two miles north of this is a similar spring, whose temperature is 125 degrees of Fahrenheit. The character of the best soil in the valleys that are inhabitable is as follows: one portion of it is a vegetable loam, another a marly loam, and a third a gravelly stratum, containing some silica. The latitude of Great Salt Lake city is 40 deg. 45 min. 44 sec. north. Its altitude is four thousand three hundred feet. The climate is milder and drier in general than it is in the same parallel on the Atlantic coast. The temperature in the Salt Lake valley in the winter season is more uniform than that of the Atlantic States at the same season, the thermometer rarely descending to zero. There is but little rain except on the mountains between the 1st of May and the 1st of October, and hence the necessity for irrigation in most places which are susceptible of it. The other valleys bear a general resemblance to the Salt Lake valley, except that they are much smaller—South valley being thirty miles long by twenty broad, Utah valley about sixty long by twenty broad, and Sand Pitch valley some forty or fifty long and perhaps twenty wide. My information is not sufficient to justify me in making a statement in regard to the size of the other valleys. The only timber to be found in this region is in the ‘canons,’ on the banks of a few of the streams, and along the bases of some of the mountains. Wheat, rye, barley, buckwheat, oats, and Indian corn, are its chief agricultural products; and all the garden vegetables peculiar to the middle and western States of this Union are produced in great perfection. Cotton, sugar, and rice are not susceptible of cultivation in the region described; tobacco and sweet potatoes can be produced in limited quantities.

“ Only a few portions of the valleys are well supplied with water, and upon the rest but limited crops can be raised, as artificial irrigation in agriculture is indispensable to success. There are tracts of land of considerable extent, in each of these valleys, which are not susceptible of cultivation, because they cannot be irrigated.

“ The cost of transportation from Great Salt Lake city to the navigable waters of the Missouri river is about twelve dollars and fifty cents per hundred.

“ The population of Deseret is estimated to amount to about fifteen thousand persons, who are locat-



ed principally in Salt Lake, Utah, and Sand Pitch valleys, three-fourths of whom are natives of our Eastern, Middle, and Western States; a small portion are from our Southern States, and the residue are emigrants from Europe. The present population will no doubt largely increase by emigration, not less than from two to three thousand being expected annually.

"I am of opinion that the inhabitable portions of the Great Basin are capable of sustaining a population of from one hundred and fifty to two hundred thousand. The country at the sources of the Colorado, as I have already intimated, is incapable of supporting any population whatever. The Uintah and Green river valleys, lying lower down on the tributaries of the Colorado, are, however, not so steril.

"You ask me if Deseret can ever become the theatre of slave labor. To this I reply that, in my judgment, there is no part of Deseret, so far as it has been explored, in which slave labor can ever be profitably employed.

"There are other facts in relation to Deseret, not embraced within the scope of your inquiries, which may not be entirely uninteresting to you, among which I may mention the following: Great Salt Lake city is pleasantly situated on a gentle declivity, near the base of a mountain, about two miles east of the Utah outlet, or the river Jordan, and about twenty-two southeast of the lake whose name it bears. There is a beautiful brook of cool, limpid water running through the town, called 'City creek.' The city is regularly laid out on a rather extensive scale; the streets cross each other at right angles, and all of them are eight rods wide. Each lot contains an acre and a quarter of ground, and each square eight lots. There are four public squares in the city. The greater part of the houses which have been built thus far are regarded as temporary, and most of them are small, but commodious, being, in general, constructed of 'adobes' or sun dried brick. Among the public buildings, are a house for public worship, a council house, and a bath house at the warm spring; and it is in contemplation to erect another temple larger and more magnificent than that which was formerly built at Nauvoo. The city is divided into nineteen wards, in some of which school houses have been erected, it being our intention to have a school in each ward at the public expense. Last winter there were several flourishing schools in the city and valley; at some of which were taught, besides the ordinary branches of an English education, mathematics, the Latin, Greek, French, and German languages, and the language of the Society Islands. Here it may not be out of place to relate an incident that occurred last summer. Walker, a distinguished chief of the Utah tribe, residing about two hundred miles south of Salt Lake city, requested our people to make a settlement in his valley. The reasons which he assigned for making this singular request were, that he and his people wished to learn the arts of civilized life, and to bring up and educate their children as ours were brought up and educated. After duly exploring the region of country in which he resided, his request was complied with.

"The number of acres under cultivation in Deseret I am unable to state; but it is very large, considering the short time that has elapsed since the first settlement was made. There is one field which contains six thousand one hundred and sixty-seven acres, and the fence around which is about fifteen miles in length.

"There is a printing press in the valley. There are moreover four grist mills and six saw mills in successful operation; and it is proposed to erect a paper mill, and also to manufacture linen and woollen cloths sufficient for home consumption.

"A general impression exists that property is held in common in Deseret, but this is a very great error. Every man holds his property in his own right.

"These settlements being on the highway to California, tens of thousands of emigrants from the United States find therein a place to rest their wearied limbs, as well as to recruit their animals and stores of provisions, previous to entering the deserts which they have to cross before reaching the goal of their desires.

"With sentiments of great respect, I have the honor to be, &c., &c.,

"JOHN M. BERNHISEL.

"HON. TRUMAN SMITH."

Mr. Erastus Snow, from the Salt Lake city, visited this city early in the present year. He was of the first party who entered the Salt Lake valley, with a view to settlement, about three years ago, and is more intimately acquainted with the country than any person with whom I have conversed. He has addressed to me an exposition, which I believe to be perfectly reliable, and which I submit to the Senate:

"WASHINGTON CITY, March 15, 1850.

"SIR: In compliance with your request, I beg leave respectfully to submit the following as the result of three years' experience and observation in that portion of California known as Deseret, including a large extent of territory, the greater part of which is, as its name would seem to indicate, sterile and totally unfit for agricultural purposes, and is uninhabited and uninhabitable, except by a few trappers and some roaming bands of Indians, who subsist chiefly upon game, fish, reptiles, and mountain crickets.

"This whole country is almost entirely destitute of timber. The little which there is may be found on the sides of some of the high rocky mountains, and in the 'canons,' or deep gorges of the mountains, whence issue the mountain streams. On the table lands, the gently undulating plains, and the isolated hills, there are none. There are, however, small groves of cotton wood and box elder on the bottoms of some of the principal streams.

"The grass, which grows only on the bottoms of streams, and on the table lands of the warmest and most fertile valleys, is of a kind peculiar to cold climates and elevated countries, and is exceedingly nutritious. It is light and scattering, particularly upon the table lands, and, though it dries in June, yet it retains all its nutritious qualities until the following spring.



"A species of artemisia, generally known by the name of wild sage, and a bush called grease wood, abound in most parts of the country where vegetation of any kind exists, but particularly where there is not warmth and moisture sufficient to produce grass.

"The general sterility of this great interior country may be attributed to two causes: the first and principal one is, that it seldom rains between April and October, except upon the high mountains, where thunder showers are frequent in summer and snow storms in winter. These showers, of course, produce numerous springs and mountain streams, which generally either lose themselves beneath the soil, or disappear during the severe droughts to which this country is subject. And even larger streams than these, within as well as without the rim of the Great Basin, not unfrequently share the same fate. The second cause is the great altitude of the northern and eastern portions of it, varying as they do from 4,300 feet above the level of the sea to the regions of perpetual snow. The Great Salt Lake, being the reservoir of the basin, is probably the lowest point in the territory north of the 37th parallel of north latitude.

"Utah valley, which has probably a milder and more uniform temperature than any other in this region of country, except that of the Colorado, is subject to frosts as late as the last of May, and as early as the first of September, and slight ones during the intermediate months: therefore, Indian corn and vines are rather uncertain crops. It appears from the observations of the last three years that the extremes of temperature are 100 deg. above, and 5 deg. below zero, according to Fahrenheit's thermometer. The variation in midsummer, in the temperature of the day and that of the night, is from 20 to 40 deg.

"In every portion of the Territory where agriculture has been attempted, artificial irrigation has been found to be indispensable; and it is confidently believed that no part of it, however fertile, will mature crops without it, except, perhaps, on some small patches on low bottoms.

"But limited portions, therefore, even of the most fertile and warmest valleys in this region, can ever be made available for agricultural purposes, and only such as are adjacent to streams, and are well located for irrigation. Small valleys, surrounded by high mountains, are the most abundantly supplied with water, the streams being fed by the melting snow and summer showers. Broad extended plains, whether level or broken, are generally arid and unproductive. Such is the whole northeastern portion of Deseret, including the valley of Green river and those of its tributaries, which extend from the Sierra Madre on the east, to the Bear river divide on the west, and from the Wind river chain and cascade on the north, to a point at the south where Green river passes through the mountains, descending over rapids and cataracts to the plains of the lower Colorado. Green River valley is about one hundred and fifty miles square; and though larger than several of the States of this Union, yet its elevation is such, and it is so badly watered, that it is doubted whether a single spot in it is adapted to agriculture.

"Captain Bridger, of the firm of Bridger & Vasques, who have a trading post at one of the most eligible points on Black's Fork of Green river, where several unsuccessful attempts at agriculture had been made, remarked to me, in the spring of 1847, that he would give one thousand dollars to know whether an ear of Indian corn could be raised in Great Salt Lake valley.

"There is, however, a small valley on the Uintah river, about sixty miles south of Fort Bridger, which is perhaps the warmest and most inviting in this portion of Deseret, and in which a settlement will probably be made.

"The Great Basin may be regarded as the northwestern quarter of Deseret; and although warmer than the northeastern, it is to a great extent equally as arid and unproductive. A portion of a large desert, extending through the centre of the Basin from north to south, and from the western shore of Great Salt lake toward the Sierra Nevada, was evidently once the bed of the lake; for various portions of it are covered with incrustations of salt and abound in salt springs, but are destitute of fresh water. All the streams which have their sources in the eastern declivity of the Sierra Nevada, for a distance of five hundred miles, soon disappear beneath the surface, and none of them are known to disembogue themselves either into the lakes of the basin or into the Pacific ocean. There are several small valleys and oases along the eastern base of the Sierra Nevada, but these are included within the limits of the proposed State of California.

"By far the most desirable portions of the Great Basin are the valleys on its eastern border, skirted by the Wasatch range, which extends from near the mouth of Bear river to the Rio Virgin.

"The present settlements, which extend from the Weber river on the north to Sand Pitch valley on the south—a distance of near two hundred and forty miles—number about fifteen thousand souls; and large accessions to this population are expected every succeeding year.

"With high respect, I am your obedient servant,

ERASTUS SNOW.

"Hon. TRUMAN SMITH."

The statement of Dr. Bernhisel touching the wonderful progress made by the people of Deseret within a space of time incredibly brief, is abundantly confirmed by a letter which I received from General John Wilson, dated at Salt Lake city, September 6, 1849, from which I submit the following extract:

"A more orderly, earnest, industrious, and civil people, I have never been amongst than these, [meaning the inhabitants of Great Salt Lake city,] and it is incredible how much they have done here in the wilderness in so short a time. In this city, which contains now, as I believe, about from four to five thousand inhabitants, I have not met in a citizen a single idler, or any person who looks like a loafer. Their prospects for crops are fair, and there is a spirit and energy in all that you see that cannot be equalled in any city of any size that I have ever been in, and I will add, not even in 'Old Connecticut.'"

General Wilson is now navy agent at San Francisco, and is a citizen of the first respectability.



It will be found on examination that Deseret presents the same obstacles to the introduction of slavery which exist in New Mexico. There are the same legal difficulties and the same repugnance of public sentiment. An analysis of the facts presented by Dr. Bernhisel and Mr. Snow would present the same physical obstacles which are found on the Upper Rio Grande, and some of them are even more intractable. Its seclusion in the centre of the continent is more entire, and its distance from any available market is much greater than in the case of New Mexico. As to the latter point, witness the following statement:

	Miles.
"From Independence (on the Missouri river) to Fort Kearny is	400
From the latter to Fort Laramie	306
From the latter to north fork of Platte river	127
From the latter to Independence Rock	50
From the latter to South Pass	100
From the latter to Fort Bridger	118
From the latter to Salt Lake city	113
	<hr/> 1,214 <hr/>

To this should be added four hundred miles from Independence to St. Louis; making, in all, sixteen hundred and fourteen miles from the Salt Lake city to the first considerable market. It is true that the emigration to California will take off, probably for a long time to come, all their surplus products—such as wheat, corn, &c. If the country were susceptible of cotton, sugar, and rice, the introduction of slavery, for the reason here indicated, would be impossible. Any man who should even think seriously of taking his slaves into a country so elevated, and so far removed from good markets, would only be worthy of a commission of lunacy.

I find my opinion on this entire subject abundantly confirmed by a gallant and highly accomplished officer of our army (Col. Emory) as follows:

"The country from the Arkansas to this point, [the Colorado river,] more than 1,200 miles, in its adaptation to agriculture, has peculiarities which must forever stamp itself upon the population which inhabits it. All of North Mexico, embracing New Mexico, Chihuahua, Sonora, and the Californias, as far north as the Sacramento, are, as far as the best information goes, the same in the physical character of its surface, and differ but little in climate or products.

In no part of this vast tract can the rains from heaven be relied upon, to any extent, for the cultivation of the soil. The earth is destitute of trees, and in great part also of any vegetation whatever.

"A few feeble streams flow in different directions from the great mountains which in many places traverse this region. These streams are separated sometimes by plains, and sometimes by mountains, without water and without vegetation, and may be called deserts, so far as they perform any useful part in the sustenance of animal life.

"The cultivation of the earth is therefore confined to those narrow strips of land which are within the level of the waters of the streams; and wherever practised in a community with any success, or to any extent, involves a degree of subordination and absolute obedience to a chief repugnant to the habits of our people.

"The chief who directs the time and the quantity of the precious irrigating water must be implicitly obeyed by the whole community. A departure from his orders, by the waste of water, or unjust distribution of it, or neglect to make the proper embankments, may endanger the means of subsistence of many people. He must therefore be armed with power to punish promptly and immediately.

"The profits of labor are too inadequate for the existence of negro slavery. Slavery, as practised by the Mexicans under the form of peonage, which enables the master to get the services of the adult while in the prime of life without the obligation of rearing him in infancy, supporting him in old age, or maintaining his family, affords no data for estimating the profits of slave labor as it exists in the United States.

"No one who has ever visited this country, and who is acquainted with the character and value of slave labor in the United States, would ever think of bringing his own slaves here with any view to profit; much less would he purchase slaves for such a purpose. Their labor here, if they could be retained as slaves, among peons, nearly of their own color, would never repay the cost of transportation, much less the additional purchase money."—*Emory's Rep., Ex. Doc., 30th Congress, 1st session, No. 41, p. 98.*

There is involved in this territorial question a principle which I am not disposed to treat lightly. I will show hereafter how it bears on the present bill. But as a practical matter I consider this dispute, or rather the subject of it, of no sort of value or importance either to the free States or to the slave States. This is no new opinion with me. The policy of the late administration was sufficiently developed as long ago as the fall of 1847, to indicate that they would not close the war short of the acquisition of New Mexico and California. I then declared, in some remarks addressed to a political convention at New Haven, that every rood of the territory to be acquired would be free, and that the Wilmot Proviso was not indispensable to security to the North. It is with inexpressible satisfaction that I find the truth of my prediction realized in part. California is free; the residue of the country will be so; and I am willing to stake what little reputation I have on the result. If we have a great accession of free territory, who is to blame? The South could have prevented these acquisitions: the Whigs of that section tried. Why did not the Democrats co-operate? Why did they not look into the situation of these countries; ascertain, as many of us did, that they would be free, and then govern their course accordingly? Why were they not as sagacious as the honorable Senator from Geor-



gia, (Mr. BERRIEN,) who insisted that, unless the slavery question should be settled by the treaty, "the inevitable consequence would be the exclusion of the South from the territories to be acquired." "Inevitably," he exclaimed; "with the certainty of fate this exclusion would follow."

In view of the considerations adverted to, I insist there is nothing in the subject which should disturb the harmony of the country; that we should lay aside all these unnecessary disputations, and turn our attention to other subjects of more practical importance. We should feel that we are one people, living under one and the same constitution, with a perfect identity of interests, and that we are committed to one and the same destiny of good or evil. Let us not forget that we are bound to carry to a successful consummation the great experiment of self-government which we are making in the face of the world. What if we, by reason of our senseless dissensions and obstinate perversity, fail? Whose cheek will not be suffused by a blush?

It was my purpose to consider the title of Texas to so much of New Mexico as is situated on the east side of the Rio Grande, and to insist that her claim has no adequate foundation whatever; but as I have made up my mind to accord to her not merely justice, but a measure of liberality, I ask myself *cui bono*? Why debate this point when the result, though adverse to Texas, will not vary essentially my course? But I wish to make a few remarks, which, though they have no bearing on the question of title, nevertheless are of an interesting and important character, and should not be lost sight of in a final disposition of the subject.

1. A division of New Mexico by the Rio Grande would be exceedingly inconvenient. If Texas is to have any western boundary there, it should include the whole province. To have the community on the west side of the river separated from the people on the east side, with whom they are most intimately connected in all the relations of business and of family, would be alike injurious and absurd. It would be to deliver over the inhabitants a certain prey to the savages of the adjoining mountains. Mr. Gregg, in his "Commerce of the Prairies," (page 138,) expresses opinions in coincidence with these views.

2. Any recognition of title in Texas to the country on the east side of the Rio Grande would seem to me to be inconsistent with the 9th article of the recent treaty with Mexico, which provides that Mexicans who shall choose to remain in the country, and to become citizens of the United States, "shall be maintained and protected in the free enjoyment of their liberty and property." But if we now recognise the title of Texas as good, when will it be deemed to have taken effect? What will the courts of Texas say on the subject? Will they not hold that such title has been good from the act of 1836, extending her western boundary from the mouth of the Rio Grande to its source? Will not that set aside all grants of the public domain by the authorities of Mexico? Will it not vacate transfers of real estate between man and man, made conformably to the laws of Mexico, and not those of Texas; and thus will not private affairs be thrown into disorder and confusion?

3. If the northern boundary of Texas be fixed as proposed in this bill, then New Mexico, even though the title be considered good, should be free to carry into effect the annexation resolutions, according to their spirit and intent. These resolutions provide that in any such State as should be formed out of the territory annexed, lying north of the parallel of 36 deg. 30 min., slavery or involuntary servitude (except for crime) should be prohibited. It is true that these resolutions limit us to 36 deg. 30 min., and a part of New Mexico, with the boundary thus arranged, would lie below that line; but there is not inhabitable territory enough above it to make a State, and the inclusion of some below is inevitable. If, then, we are to have a free State in Texas, (on the supposition that her claim is good,) we must find it in New Mexico, partly above and partly below the parallel of 36 deg. 30 min.

4. The question of title must be settled by Congress, or in such manner as Congress may point out. This is the ground taken by the late Secretary of State, (Mr. Buchanan.) In his letter to Governor Henderson, dated February 12, 1847, he says "this is a subject which more properly belongs to the legislative than to the executive branch of the Government." Mr. Polk, in his message of the 24th July, 1848, (Ex. Doc., House of Reps., 8th vol., No. 70, p. 415,) concurred in this view. Texas can safely refer this matter to Congress, and is bound to do so as a constituent member of the Confederacy. If Congress cannot settle the question, for aught I can see, it must go to the judiciary. I have too much respect for and confidence in the people of Texas, to believe that they will pursue any other than a moderate and reasonable course; but if she is to become a turbulent and intractable member of the Confederacy, and especially if she is about to take arms in her hands, (as some intimate,) and to involve the country in all the horrors of a civil war, rather than submit her pretensions to the arbitrament of the proper authorities, I trust she will go out of the Union through the enormous breach in the Constitution by which she entered.

I now proceed to examine this bill on its special merits, and to show that there are abundant reasons for withholding from it my support, consistently with the grounds hitherto taken by me.

I am of the opinion that whatever favor public sentiment (particularly at the South,) has accorded to it should be attributed to a misconception of its true character, resulting from its being called sometimes an adjustment, but more generally a compromise, which involves the idea of some reasonable measure, doing justice to all sections, and outraging the feelings of none. For this reason, it is supposed, contrary, as I believe, to the fact, to be adapted to restore harmony to our public councils, and peace and quietude to the country. But I will show that its real attributes are directly the reverse; and it is precisely because I desire an effectual adjustment, (and promptly, too,) that I feel constrained to oppose the bill. It has been for months the great obstacle in our way; and if we fail to realize the wishes of the country, (as I trust we shall not,) the interposition of this measure will be the sole cause. I then observe—

1. It is impossible for me to say positively whether I could vote for the bill or not, though satisfied with its scope and details in general, for the reason that there remains open a significant blank in the 4th article of the last section, in which is to be inserted the sum to be paid to Texas, in considera-



tion of the cession of New Mexico east of the Rio Grande, and for other reasons specified in the article. How is this blank to be filled? Why has the amount been kept a profound secret to this day? It will be time enough to determine whether I should or should not sustain this measure when it shall have been consummated, and we shall have it before us in all its proper proportions.

2. I am under stringent instructions to insist on the insertion of the usual anti-slavery clause in any territorial bill which might be submitted to Congress. I desire it may be understood that I do not consider these instructions, or instructions on any subject, as positively binding, though I shall ever treat them with great deference and respect, and with quite as much the predominating sentiment of the people of my State. The undoubted expectation of my constituents is, that their representatives here should support the usual anti-slavery clause. Though I am of the opinion that it is not indispensible, yet many, and perhaps a majority of them, think otherwise, and I cannot disregard this state of things. The course of Southern members, in insisting with so much vehemence on the right to introduce slavery into the Territories, and especially their confident, and, as I think, mistaken asseverations that the country is available for slave labor, have not been without their effect at the North.

But my constituents do not desire to irritate the South unnecessarily, and they will justify me in leaving the whole subject in the hands of the people of the Territories. Let them form their own institutions, and organize governments for themselves. Let them settle this, and all other matters appertaining to their welfare, as to them may seem best. But if you will not do this, but persist in urging the matter on the attention of the Senate, then my instructions, and the other considerations adverted to, must not escape my attention.

3. I am not prepared to surrender absolutely what I deem a sound principle, that territory, which is free when acquired; should have the proper legal guaranty that it will remain free; but I should do so if I voted for this bill. Is there anything unreasonable in this? I did not desire the acquisition of these Territories, though I felt a perfect confidence they would be free. A vast majority of my constituents were utterly opposed to the policy of acquisition, without reference to the question of free or not free. When the Wilmot Proviso was first proposed in the House, towards the close of the 1st session of the 29th Congress, I voted to annex it to the appropriation proposed to enable Mr. Polk to negotiate a treaty of peace with Mexico, and, when annexed, I voted against the appropriation itself; thereby saying that if you would acquire free territory I should insist on its remaining free, but that I would not consent to the acquisition, though I had a perfect guaranty in advance of the exclusion of slavery.

4. The principle now adverted to is likely to operate favorably to the peace of the country, and so as to save us from the multiplied evils of war. A lust for territory is the great besetting sin of the American people. The policy of acquisition makes an appeal to their hearts, which is almost irresistible. Any cry like that in 1844, in favor of "the re-occupation of Oregon and the re-annexation of Texas," is enough to carry any Presidential election. It is high time that we, as a nation, should have some illustration of the folly of this course. In this point of view, present difficulties will not be without their use.

But if free territory is to remain free, and slave territory slave, then we are not likely to have an acquisition of either the one or the other. The people of the slave States will oppose the former, and of the free States the latter, and they will be re-enforced by the men of peace from the opposite section, and thus we may be saved from all wars of conquest in future.

But in this particular case, for reasons already indicated, I am willing to adjourn the question—to leave the matter in doubt; and that, perhaps, would be just as good a guaranty of peace as a direct application of the principle.

5. Those parts of the bill which appertain to this subject are too artificial, indirect, contradictory, and repugnant in their effect and operation to make it possible for me to assent to them.

The 10th section provides, in respect to Utah, and the 27th in respect to New Mexico, that their respective legislatures shall make no law "establishing or prohibiting African slavery." What does this mean? What will be the situation of the Territories under the operation of such a provision? Can slaves be held therein, or can they not?

I have given the subject a careful consideration, and will express an opinion. To that end, I will take the case of New Mexico.

First. I am convinced that slavery, under this bill, cannot be introduced into so much of the province as is situated on the west or right bank of the Rio Grande. The bill in its application to that region (and in fact to the whole of Upper California not included within the State) contains the *Wilmot Proviso in disguise*.

That part of New Mexico and California belonged indisputably to Mexico. The anti-slavery ordinances and laws of that republic were in full operation at the period of the cession; and they, like other municipal regulations, remain in force to this day. Then comes in the clause in this bill, already adverted to, denying to the legislature the power to establish African slavery. It is quite certain that a mere abrogation of the Mexican ordinances and laws would not reintroduce slavery; but, if otherwise, then such abrogation would in effect establish the institution, and would be an exercise of the power denied, and therefore void. We have only to strip off the verbiage of the bill, and the Proviso is disclosed to us in its full proportions! What our Southern friends regard as a monster, stands revealed to them in all its odious deformities!

Secondly. How is it with so much of New Mexico as is situated on the east side of the Rio Grande? This depends on the question whether this bill recognises in Texas a title to this part of the Territory. I am of the opinion it does; for we are to pay to Texas a large sum of money, not yet specified, but said to be \$10,000,000, in consideration of a cession by her of this same territory. This is the only consideration for the payment. There is no pretence that we are liable to pay the debts of Texas, or



to make compensation for the other objects specified in the 3d article. The annexation resolutions provide that "in no event are the debts and liabilities" of Texas "to become a charge on the United States." The payment, then, of the sum contemplated for the cession of this territory seems to me to be an admission that it belongs to Texas.

We admit and agree, contrary to the fact, that it is slave territory, and then the hands of the inhabitants are tied by the clause of the bill, which excludes the power to pass any law "prohibiting African slavery."

I next recur to the annexation resolutions, to draw a distinction between the territory on the east side, above 36° 30', and the territory on the same side, below that parallel. The resolutions provide that "in such State or States as shall be formed out of said Territory," (meaning Texas,) "north of said Missouri Compromise line, slavery or involuntary servitude (except for crimes) shall be prohibited." If the State or States are to be free, surely the Territory should be free also, while under a government that is merely preparatory to admission as a State or States. So that we are to have a prohibition of slavery on the west side of the river, and an indulgence of it on the east side, below 36° 30', with prohibition again above that parallel. If the last position is not sustainable, then we have the absurdity of legalizing the introduction of slavery into a Territory, by way of preparation for its admission as a free State. This makes a mere piece of mosaic of the bill—a piebald affair—and gives it a character which I can never sanction.

*I will not vote to convert free into slave territory by implication, nor will I go for the Wilmot Proviso in disguise.* If I am to sustain it at all, it must be openly and aboveboard, so as to assume the proper responsibilities, in face of my constituents and the whole country.

6. It has been claimed that the provision in the annexation resolutions, which looked to the division of Texas into new States, not exceeding four, (those above the parallel already named to be free in any event,) is in the nature of a compact, and binding on Congress. This was the ground taken by the honorable Senator from Massachusetts, [Mr. WEBSTER,] early in the session. But there has been inserted in the bill a clause which sets aside entirely so much of the compact as is in favor of the free States. I refer to the amendment adopted some days since, which provides that "when admitted as a State said Territory," [New Mexico,] "or *any portion of the same*, shall be received into the Union with or without slavery, as their constitutions may prescribe at the time of their admission;" so that the supposed compact is to be binding in favor of the South, while it is set aside as against the North!

7. It is difficult for me to recognise an obligation to pay to Texas any sum of money whatever. If a payment is to be made at all, it must, in my judgment, be on account of her debt. But as between the United States and Texas, we are not bound to pay one penny of her debt—so read the annexation resolutions.

But I am not certain but an obligation does arise as between the United States and the creditors of Texas. I never could see what right we had to absorb the nationality of Texas and her revenues, especially in the case of creditors who had a lien on those revenues, without making some provision for them—nor how we could justly seize on her assets, "all public edifices, fortifications, barracks, navy, navy-yards, docks, magazines, arms, armaments, and other property and means pertaining to the public defence," and leave her creditors, who had paid for these very assets, to obtain satisfaction as they could. It is, then, an obligation to the creditors of Texas. Those creditors, if there be any thing in the claim, are in equity the creditors of the United States; and why not pay them and not Texas?

8. I do not feel certain that I should vote for the bill, even if I could agree to all the details. It is a union of independent measures, which should have a separate and distinct consideration. It is log-rolling in legislation; an attempt to make a strong measure carry a weak one. It says to the House of Representatives, You shall not have the privilege of welcoming California to the Union, except on such terms as we are pleased to dictate; and terms, too, that have nothing to do with the California question. Such legislation is reprehensible, and tends to abuse. This idea is recognised in the act providing a territorial government for Oregon: "To avoid improper influences (say Congress) which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title." I want no other rebuke than this of the whole scheme of this bill.

9. I am strongly apprehensive that the success of this measure here will bring on a collision between the two Houses; and that, after a vain struggle, it will be defeated; and then we shall have to commence the work anew at the point from which we should not have departed—the admission of California. In fact, I have regarded this measure from the first as utterly impracticable. Who can forget that Congress could not, at the two last sessions, deal even with one of these subjects successfully? The Clayton Compromise, so called, at the first failed; and at the last the effort to adjust the same question in the general appropriation bill also failed. Then we were dealing only with the Territories, and now we have two other subjects equally impracticable. In the first instance, I supposed this complex bill would pass the Senate; but I have been at all times certain that it would break down in the House. But now opposition, even here, arises on all sides. Neither the South nor North are satisfied. One member goes against it on one ground, and another on a different ground. We all know the state of things in the House: forty-nine majority from the free States! and this majority to be considerably strengthened from the South, by an opposition corresponding with that which we have here from the same section. I have been convinced at all times that the only practicable way of dealing with these subjects was to take one question at a time; to proceed quietly and gently, availing ourselves of the soothing hand of time. Thus we could at least have settled the California question, and adjusted the controversy with Texas. Probably we might have been able to do something for the Territories. But this bill enters into the midst of all these subjects; seizes hold of them with a kind of violence, and undertakes to force conclusions which the past has taught us are



unattainable. It is not a measure of peace, but of contention and strife ; and the sooner we have an end of it, the better it will be for us and the country.

10. I decidedly prefer the President's plan of treating the matter before us. He recommends to Congress the admission of California and an adjustment of the boundary question with Texas. Thus far the Committee of Thirteen and the Executive agree. But with respect to the Territorial question, the President, in effect, proposes to refer the solution of all pending difficulties to the people of the Territories themselves, whereas the committee insist on a solution by Congress. On this subject I submit the following remarks :

1. The President has nowhere said or insisted that his method is the best, *abstractly* considered ; but he no doubt thinks it is the best, in view of the existing condition of Congress and the country.

2. It is exactly equal between the two sections, and is perfectly consistent with the honor of both. This is all that could be required, as there are (as I have already shown) no great or substantial interests at stake.

3. It was intended to avoid agitation in Congress and out—the interruption of the public business, and the withdrawal of our attention from subjects of paramount importance. The rejection of his advice has brought on us all the evils which he feared. The progress of the session is vindicating his policy, and ere long that vindication will be complete. His prudence, his sagacity, and his wisdom will stand revealed to the American people, and placed beyond cavil or doubt.

4. The President desired an effectual adjustment of all pending difficulties. The admission of California and New Mexico will be such an adjustment ; it will close the door against all further controversy—the passage of the present bill will not. I may not be disposed to insist positively on the admission of New Mexico, though she presents herself here with a constitution in due form. This would, doubtless, be the best course, as it has the merit of finality, and would render the settlement of the boundary question by the Supreme Court practicable and easy.

Mr. Polk, in his annual message, 2d session, 30th Congress, (page 15,) says :

“It is fortunate for the peace and harmony of the Union that this question is in its nature temporary, and can only continue for the brief period which will intervene before California and New Mexico can be admitted into the Union. From the tide of population now floating into them, it is highly probable that this will soon occur.”

It has been assumed in this debate that, unless we institute territorial governments, Deseret and New Mexico will be kept without civil institutions and under military sway. This is not true as to either.

How is it with Deseret? The people there have a good government in full operation. There is not a soldier of the United States in Deseret, and consequently all this outcry against military domination is unfounded. The last intelligence from that country contains the following annunciation :

“The general assembly had been in session, and had created several new counties, established courts, sheriffalties, &c.; also a State university, endowed with \$5,000 a year for twenty years, the sum to be paid out of the State treasury.”—*St. Louis Union*.

This general assembly is organized under and by virtue of the constitution which has been sent here as the basis for her admission into the Union.

How is it with New Mexico? Are liberty, property, and life under military rule in that country? On the contrary, I insist they have a good civil government, created by the people, and just as good as the former provisional government of Oregon. Col. Washington, in his letter to the late Secretary of War, (Mr. Marcy,) dated at Santa Fé, November 8, 1848, (vide President's annual message to this Congress, page 104,) says :

“The system of government now in force in New Mexico is that which was established in 1846, and embraces what is commonly called Kearny's code, to which the people, through their representatives, have happily expressed their assent, as will be seen by their memorial to Congress; and it is considered adequate to the wants of the country until another can be provided.”

Well, then, did President Taylor say in his message :

“It is undoubtedly true that the property, lives, liberty, and religion of the people of New Mexico are better protected than even before the treaty of cession.”

At any rate, New Mexico, as is believed, has recently held a convention and framed a constitution, preparatory to her admission into the Union. It is the case of California over again. If it is not expedient to admit her into the Union, why not let her people go on under the system which she has thus voluntarily established? California is now pursuing this course, and will continue to pursue it, though not admitted into the Union.

Nothing is wanting to the legality of these governments but the assent of, or conformation by, Congress. This is not unknown to the legislation of the country. The act establishing a territorial government in Oregon (sec. 13) provides that “the existing laws” then “in force in the Territory of Oregon, under the authority of the provisional government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the Constitution of the United States, and the principles and provisions of this act; subject, nevertheless, to be altered, modified, or repealed by the legislative assembly of said Territory of Oregon.” Thus Congress recognised the existence of a provisional government in Oregon, and validated its acts. Why not do so in respect to Deseret and New Mexico?

The principle is involved in the proposition to admit California into the Union. The convention which framed the constitution now before us was held without authority of law. It is said there are precedents for California. But this I deny. In all other cases there were organized governments.



But not so in California. Society there was in a chaotic state. There was no law fixing the limits to be represented in convention, laying off those limits into election districts, declaring the time, place, and manner of choosing delegates, establishing the qualifications of electors or the right of suffrage, or determining the time and place of holding the convention. In these respects the case of California is wholly unprecedented. The convention was little better than a caucus, and the constitution, in point of validity, is mere waste paper. All these difficulties the select committee propose to surmount, and properly, as no doubt the constitution is a genuine emanation of public sentiment in California, and therefore she may, under the extraordinary circumstances of the case, be admitted into the Union. The moment this is done, that convention becomes a lawful convention, and that which was irregular and void, becomes valid and binding. And, what is more, we shall, by admitting California, not only validate her constitution, but all the laws which have, since it was framed, been enacted by her legislature, conformably to such constitution and the Constitution and laws of the United States. Why, then, should the committee stumble and break down when they come to the cases of Deseret and New Mexico? Why not make the existing governments of those countries valid governments by the assent of Congress? Even an appropriation to compensate such executive, legislative, and judicial authorities as the people there have constituted, would answer the purpose.

The South ought to be satisfied with this, as Deseret has said nothing about slavery in her constitution, though New Mexico may. This would make a good compromise between the two sections, and much better than this incongruous bill.

But in any event Congress can pass a prospective law—can authorize the people of Deseret and New Mexico to form their own institutions. What can be more just and equal than this, or better calculated to allay excitement? But no, exclaim the committee; Congress should make the governments. Very well; we shall see whether you can do so.

I feel bound to stand by the noble position which the President has assumed, on this subject of strict impartiality between the North and the South. I predicted that such would be his course in respect to all sectional questions, and my anticipations have been realized. He is imbued with a spirit of genuine nationality. He loves his country and his whole country. Notwithstanding he is from the extreme South, and is most intimately identified with her institutions, he cannot forget that there is a great, a generous, and a patriotic North. He stands, therefore, exactly perpendicular between the two sections, with a benignity and kindness for each such as becomes a truly great and good man. He is unmoved by the surging elements of passion and prejudices which are beating about his devoted head. To the turbulence of political strife and civil dissension he says, "Peace; be still!" To the North he appeals: "Do not push the Wilmot Proviso at the South!" "Do not irritate your brethren on a sensitive point!" To the South, he says, "Be not too strenuous in insisting on territorial governments; they are not absolutely necessary. Why should you struggle for a mere triumph, which can result only in increased bitterness and discontent?" To both sections and to Congress, he says, "Leave off quarrelling, and you will have peace; drop the subject entirely, and recollect only our common sacrifices for independence, liberty, and free institutions; that we have been *one* in the past, and should be *one* in the future."

I cannot forget the opprobrium which has been heaped upon him in this connexion. His policy has been called a "do-nothing policy!"—"a good-for-nothing policy!" He has been represented to be a nonentity in the Government—a senseless tool in the hands of unprincipled and reckless men. If I were to desert him now, I should make myself a party to these calumnies. He has my unreserved confidence. I believe in him—in his moderation, his sense of justice, his firmness and unflinching resolution, his sagacity, his wisdom, and especially in his entire devotion to the true welfare of our common country. He has not only my confidence, but my heart; and I consecrate all that I am, and all I hope to be, to his service. Whoever may fly the track, I shall stand by him to the last.

But the present is not without its consolations. Our glorious institutions will survive all these commotions. The Union will be preserved, and the stars and stripes will continue to float on every breeze; for Zachary Taylor has said: "WHATEVER DANGERS MAY THREATEN IT (the Union,) I SHALL STAND BY AND MAINTAIN IT IN ITS INTEGRITY, TO THE FULL EXTENT OF THE OBLIGATIONS IMPOSED AND THE POWER CONFERRED ON ME BY THE CONSTITUTION."

[NOTE.—While Mr. S. was on the floor, information was received at the Senate chamber, from the Executive mansion, that the malady from which the President was suffering had taken such a turn as to indicate he was near the close of life. Mr. S. was not apprized of the fact until he had finished his remarks. While he was among the first to get a thorough insight into the character and qualities of President Taylor, and to form a just appreciation of his fitness for the chief magistracy, it will ever be to him a source of inexpressible consolation that he should have been the last (while he was permitted to remain with us) to stand up in defence of his presidential conduct and course. It only remains for Mr. S. to mingle his tears with the numerous friends of the late President, on account of the dire calamity which has befallen us, and to embalm in his memory the many expressions of friendship and respect which he received at his hands. A great and good man has fallen! Let us prove ourselves not unworthy of having had such a Chief Magistrate!]